SENATE

TUESDAY, MAY 6, 1958

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal God, Thou knowest our frame and rememberest that we are dust. Our baffled minds cannot encompass the complexities of this vast and varied world; but Thy patience outlasts all our dullness of apprehension and all our stupid choices. Pressed by the practical problems which crowd our hours and cry for solution, we would keep clear in our vision and faith the eternal things amid the tempests of the temporal. Amid the din of today's struggle with forces of darkness, keep our spirits steadfast, our hearts courageous, our motives pure, and our confidence in the final victory of justice and righteousness undimmed. We ask it in the Name above every name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, May 5, 1958, was dispensed with.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the following bills and joint resolutions, and they were signed by the President pro tempore:

S. 1818. An act to direct the Secretary of the Interior to acquire certain lands as an addition to the Fort Frederica National Monument;

S. 2183. An act to amend the act of August 2, 1956 (70 Stat. 940), providing for the establishment of the Virgin Islands National Park, and for other purposes;

S. 2937. An act to provide equitable treatment for producers participating in the Soil Bank program on the basis of incorrect information furnished by the Government;

H. R. 1126. An act to amend the Tariff Act of 1930 to exempt from duty pistols and revolvers not using fixed ammunition;

H. R. 2170. An act to authorize the Secretary of the Interior to consummate desirable land exchanges;

H. R. 2935. An act for the relief of Apolonia Quiles Quetglas;

H. R. 4115. An act to authorize the conveyance of certain lands in Shiloh National Military Park to the State of Tennessee for the relocation of highways, and for other purposes;

H. R. 5149. An act to provide that whenever public lands have been heretofore granted to a State for the purpose of erecting certain public buildings at the capital of such State, such purpose shall be deemed to include construction, reconstruction, repair, renovation, and other permanent improvements of such public buildings, and for other purposes;

H. R. 5208. An act to amend paragraph 1541 of the Tariff Act of 1930, as amended, to provide that the rate of duty in effect with respect to harpsichords and clavichords shall be the same as the rate in effect with respect to pianos;

H. R. 5624. An act to clear the title to certain Indian land;

H. R. 7057. An act for the relief of Henryk Bigajer and Maria Bigajer;

H. R. 7508. An act for the relief of Harry J. Madenberg;

H. R. 7516. An act to amend the Tariff Act of 1930 so as to permit the importation free of duty of religious vestments and regalia presented without charge to a church or to certain religious, educational, or charitable organizations;

H. R. 8239. An act for the relief of Maria Dittenberger;

H. R. 8348. An act for the relief of Michael Romanoff;

H. R. 8524. An act to authorize the preparation of a roll of persons of Indian blood whose ancestors were members of the Otoe and Missouria Tribe of Indians and to provide for per capita distribution of funds arising from a judgment in favor of such Indians;

H. R. 8958. An act authorizing the Secretary of the Interior to convey certain Indian land to the Diocese of Superior, Superior, Wis., for church purposes, and to the town of Flambeau, Wis., for cemetery purposes;

H. R. 9655. An act to permit articles imported from countries for the purpose of exhibition at the Oregon State Centennial Exposition and International Trade Fair to be held at Portland, Oreg., to be admitted without payment of tariff, and for other purposes;

H. R. 9917. An act to continue the temporary suspension of duty on certain alumina and bauxite;

H. R. 9923. An act to amend the Tariff Act of 1930 to permit temporary free importation under bond for exportation, of articles to be repaired, altered, or otherwise processed under certain conditions, and for other purposes;

H. R. 10112. An act to make permanent the existing privilege of free importation of caur seed;

H. R 10792. An act to continue for 2 years the existing suspension of duties on certain lathes used for shoe last roughing or for shoe last finishing;

H. R. 11407. An act to extend for 2 years the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders;

H. J. Res. 451. Joint resolution authorizing the 101st Airborne Division Association to erect a memorial in the District of Columbia;

H. J. Res. 528. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens; and

H. J. Res. 556. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the California International Trade Fair and Industrial Exposition, Los Angeles, Calif., to be admitted without payment of tariff, and for other purposes.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Labor Subcommittee of the Committee on Labor and Public Welfare was authorized to meet today during the session of the Senate.

Mr. FREAR. Mr. President, I ask unanimous consent that the Subcommittee on Fiscal Affairs of the Committee on the District of Columbia be permitted to meet this afternoon. I have contacted the acting minority leader. I believe he offered no objection.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. If there be no reports of committees, the nominations on the calendar will be stated.

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

The Chief Clerk read the nomination of Richard R. Atkinson for reappointment as a member of the District of Columbia Redevelopment Land Agency for a term of 5 years, effective on and after March 4, 1958.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

UNITED STATES ATTORNEY

The Chief Clerk read the nomination of Osro Cobb, of Arkansas, to be United States attorney for the eastern district of Arkansas for a term of 4 years.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour, for the introduction of bills and the transaction of other routine business. In that connection, I ask unanimous consent that statements be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Connecticut; to the Committee on the Judiciary:

"Senate Joint Resolution 9

"Resolution concerning application to Congress to call a convention for proposing an amendment to the Constitution of the United States

"*Resolved by this assembly*, That pursuant to the provisions of article V of the Constitution of the United States, the Legislature

of the State of Connecticut applies to the Congress to call a convention for the purposes of proposing an amendment to the Constitution of the United States preventing the taxation of the income of the residents of one State by another State; be it further

"Resolved, That the secretary of the State cause copies of this resolution to be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and to the respective clerks of the several State legislatures.

"ROBERT A. WALL,
"Legislative Commissioner.
"JOHN L. GERARDO,
"Clerk of the Senate.
"JOHN WASSUNG,
"Clerk of the House."

A joint resolution of the Legislature of the State of California; to the Committee on Banking and Currency:

"Senate Joint Resolution 12

"Relative to implementation of the Federal Flood Insurance Act of 1956

"Whereas the many flood disasters in the history of this State and particularly the recent disasters in this State have proven that relief measures on the local level can never be entirely effective; and

"Whereas relief from the enormous loss occasioned by floods concerns every citizen whether directly or indirectly affected by such floods; and

"Whereas the Federal Flood Insurance Act of 1956 offers promising possibilities for the development of a satisfactory national program of flood relief; and

"Whereas it appears that with further study and education any problems in the administration of this act could be resolved; and

"Whereas California has always freely participated in every project to provide necessary relief to its people in times of great flood disasters: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California (jointly), That the Congress of the United States is memorialized to provide funds to reactivate the Federal Flood Insurance Administration and to orient its activities in accord with the principles developed by that agency during its year of active operation from 1956 to 1957, and provide funds for the payment of such subsidies by the Federal Government as may be necessary to the operation of the flood insurance program; and be it further

"Resolved, That the secretary of the Senate is directed to transmit copies of this resolution to the Vice President of the United States, the Speaker of the House of Representatives, and to each Member of Congress representing California."

A joint resolution of the Legislature of the State of California; to the Committee on Government Operations:

"Assembly Joint Resolution 9

"Relative to legislative jurisdiction over Federal lands

"Whereas legislation is pending in the United States Congress to permit Federal agencies to restore to States certain jurisdictional authority now vested in the United States over federally owned or operated land areas; and

"Whereas this proposed legislation would declare it to be the policy of Congress that the Federal Government shall retain only such measure of legislative jurisdiction over federally owned or operated land areas within the States as may be necessary for the proper performance of Federal functions; and

"Whereas it is the sense of the Legislature of the State of California that, to the extent consistent with the purposes for which the land is held by the United States, the Federal Government should not retain any legislative jurisdiction within federally owned or operated areas which might be exercised by the States, and particularly that the Federal Government should not retain any legislative jurisdiction with respect to qualifications for voting, education, public health and safety, taxation, marriage, divorce, annulment, adoption, commitment of the mentally incompetent, and descent and distribution of property, normally exercised by the States; and

"Whereas one measure pending in the Congress which will accomplish the objectives set forth in this resolution is S. 1538, introduced by Senator MCCLELLAN: Now therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact S. 1538, or similar legislation, relating to the legislative jurisdiction of the United States over Federal lands; and be it further

"Resolved that the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to Senator MCCLELLAN, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the Senate of the State of California; to the Committee on Interstate and Foreign Commerce:

"Senate Resolution 10

"Resolution relating to air space control

"Whereas in recent months the Nation has been shocked by a series of tragic aircraft accidents resulting in the loss of many lives, culminating in the collision on April 21 of a military jet plane and a civilian airliner near Las Vegas, Nev., with the loss of 49 lives; and

"Whereas these accidents are apparently due to the concentration of air traffic within the narrow confines of air lanes; and

"Whereas the problem has been made more acute by the appropriation of large areas of the air space for the operation of military aircraft; and

"Whereas the problems caused by the great increase in air traffic, both civilian and military, and in the speed of aircraft have not been met by our present methods of air space control and regulation: Now, therefore, be it

"Resolved by the Senate of the State of California, That the members of this senate respectfully memorialize the Congress of the United States to consider the subject of air space allocation and control and take whatever action is necessary to alleviate this problem; and be it further

"Resolved, That the secretary of the senate is directed to send copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the Civil Aeronautics Administration.

"I hereby certify that the above resolution was unanimously adopted by the Senate of the State of California at the 1958 second extraordinary session of the legislature.

J. A. BEEK,
"Secretary of the Senate."

A resolution adopted at a rally of Lithuanian-Americans in New York City, N. Y., on February 23, 1958, relating to Lithuanian independence; to the Committee on Foreign Relations.

Resolutions adopted by the 67th Continental Congress of the National Society of the Daughters of the American Revolution, April 14–18, 1958, relating to the protection of the Constitution of the United States, and so forth; to the Committee on the Judiciary.

A resolution adopted by the Board of Supervisors of the Los Angeles County (Calif.) Flood Control District, favoring the enactment of legislation to continue Federal flood-control work in the Los Angeles area; to the Committee on Public Works.

THE GROWTH OF FARMER COOPERATIVES—RESOLUTION

Mr. CARLSON. Mr. President, at a meeting of the Committee of Kansas Farm Organizations last week in Topeka, Kans., there was adopted a resolution in regard to farm problems.

This committee is representative of every farm organization in Kansas, and I ask unanimous consent that the resolution be printed as a part of these remarks and be referred to the Senate Committee on Agriculture and Forestry for consideration.

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Joint resolution to reaffirm national policy to aid and encourage the establishment, operation, and growth of farmer cooperatives as an effective and proven means of helping farmers help themselves to achieve a free, expanding, and prosperous agriculture

Whereas farming has been and will continue to be affected by rapid changes growing out of tremendous scientific and technological developments that not only generate enlarged production but greatly increase the farmer's need for off-farm services of all kinds in such areas as assembling, processing, packaging, transporting, and selling his products and securing the tools, materials, and farm-business services incident to efficient production; and

Whereas farmers as individual business units are finding it increasingly difficult to cope with their marketing and purchasing problems arising from the growing concentration in industries serving agriculture which has resulted in large, well-integrated businesses having extensive resources, a considerable degree of bargaining power and mass consumer outlets requiring large amounts of uniformly graded and packaged products; and

Whereas over 50 years of experience has demonstrated that farmer cooperatives are capable agencies within the framework of the American system of private enterprise through which farm people can achieve the bargaining position they must have to secure the highest possible returns consistent with economic conditions for products sold; acquire tools, materials, and services needed for production at reasonable costs; and obtain effective representation of their affairs to nonfarm interests; and

Whereas it is becoming increasingly clear that further integration of farming operations through cooperatives will be required in the future if farmers are to preserve the gains they have made and press forward to new levels of achievement; and

Whereas the Congress in a succession of legislative enactments over the years has set a policy favorable to the establishment, operation and growth of farmer cooperatives; and

Whereas, it is deemed desirable to set forth such policy in one statement: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is declared to be the policy of Congress to encourage and assist the organization, efficient operation and growth of farmer cooperatives engaged in marketing farm products, purchasing

farm supplies and supplying business services to farmer patrons, as an effective and proven means of helping farmers help themselves to achieve a free, expanding and prosperous agriculture.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs, without amendment:

S. 59. A bill directing the Secretary of the Interior to convey certain property in the State of Colorado to William M. Proper (Rept. No. 1519).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 3468. A bill to provide for the construction and improvement of certain roads on the Navaho and Hopi Indian Reservations (Rept. No. 1524); and

H. R. 6940. An act to authorize the Secretary of the Interior to reimburse owners of lands acquired for developments under his jurisdiction for their moving expenses, and for other purposes (Rept. No. 1520).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 3199. A bill to amend section 2324 of the Revised Statutes, as amended, to change the period for doing annual assessment work on unpatented mineral claims so that it will run from August 15 of one year to August 15 of the succeeding year, and to make such change effective with respect to the assessment work year commencing in 1959 (Rept. No. 1521).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 2215. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Spokane Valley project, Washington and Idaho, under Federal reclamation laws (Rept. No. 1522).

By Mr. HAYDEN, from the Committee on Appropriations, with amendments:

H. R. 12326. An act making urgent deficiency appropriations for the fiscal year ending June 30, 1958, and for other purposes (Rept. No. 1523).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BUSH:

S. 3753. A bill to provide that the Secretary of the Interior shall develop and carry out an emergency program for the eradication of starfish in Long Island Sound and adjacent waters; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. BUSH when he introduced the above bill, which appear under a separate heading.)

By Mr. GOLDWATER (for himself, Mr. HAYDEN, and Mr. ANDERSON):

S. 3754. A bill to provide for the exchange of lands between the United States and the Navaho Tribe, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. GOLDWATER when he introduced the above bill, which appear under a separate heading.)

By Mr. BEALL:

S. 3755. A bill to extend the period within which approval may be given to public building projects under the Public Buildings Purchase Contract Act of 1954; to the Committee on Public Works.

(See the remarks of Mr. BEALL when he introduced the above bill, which appear under a separate heading.)

By Mr. RUSSELL (for himself and Mr. SALTONSTALL) (by request):

S. 3756. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

(See the remarks of Mr. RUSSELL when he introduced the above bill, which appear under a separate heading.)

By Mr. DOUGLAS:

S. 3757. A bill for the relief of Robert Castaneda; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 3758. A bill for the relief of Kenneth V. Tysdal; and

S. 3759. A bill to provide further means of securing and protecting the right of persons within the jurisdiction of the several States to the equal protection of the laws and other civil rights guaranteed by the Constitution or laws of the United States; to the Committee on the Judiciary.

(See the remarks of Mr. HUMPHREY when he introduced the last above-mentioned bill, which appear under a separate heading.)

By Mr. BEALL:

S. 3760. A bill for the relief of Alkon Lakubovicz; to the Committee on the Judiciary.

By Mr. JOHNSTON of South Carolina:

S. 3761. A bill to establish certain requirements with respect to the employment of barbers and beauticians in or under the executive branch of the Federal Government; to the Committee on Post Office and Civil Service.

By Mr. HENNINGS:

S. 3762. A bill for the relief of Ekaterine G. Hronopoulos; to the Committee on the Judiciary.

ERADICATION OF STARFISH IN LONG ISLAND SOUND AND ADJACENT WATERS

Mr. BUSH. Mr. President, I introduce, for appropriate reference, a bill to provide that the Secretary of the Interior shall develop and carry out an emergency program for the eradication of starfish in Long Island Sound and adjacent waters.

The infestation of Long Island Sound by starfish threatens the doom of a $90 million industry in the States of Connecticut and New York which gives direct employment to about 9,000 persons. The industry itself is spending $10,000 a week to combat this menace, but has been unable to develop successful control measures unassisted. The bill I have introduced would authorize an appropriation of not to exceed $1 million to enable the Secretary of the Interior to develop and carry out a vigorous emergency program for eradication of starfish, and thus enable the oyster-growing industry to survive.

Mr. President, I ask unanimous consent that a memorandum discussing the need for this program be printed in the RECORD, following these remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the memorandum will be printed in the RECORD.

The bill (S. 3753) to provide that the Secretary of the Interior shall develop and carry out an emergency program for the eradication of starfish in Long Island Sound and adjacent waters, introduced by Mr. BUSH, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The memorandum presented by Mr. BUSH is as follows:

PREPOSAL FOR FEDERAL AND STATE AID TO THE SHELLFISH INDUSTRY IN CONTROLLING STARFISH IN LONG ISLAND SOUND

INTRODUCTION

This memorandum presents the financial aid needed by the oyster industry in 1958 from Congress to combat starfish in Long Island Sound. The program is projected to include possible assistance from the States of New York and Connecticut. The industry is spending over $10,000 per week in the sound to exterminate the starfish on their grounds.

THE PROBLEM

During the summer of 1957, the greatest crop of starfish in modern times was produced in Long Island Sound. The quantity of stars increased 10 times from spring to fall. These animals have grown rapidly and are now large enough to consume sizable oysters. Scientists and industry people alike agree that the starfish are distributed all over the sound. A number of growers have been trying desperately to protect their beds with little or no success. Because of the distressed condition of many of the planters resulting from lack of seed and storm losses of oysters, they have been unable to carry on the fight. The few companies who are fighting have their beds overrun almost immediately from stars moving from their neighbors' grounds, who are financially unable to fight them.

Furthermore, vast quantities of stars are over the bottoms which are not under lease. No control measures are being practiced on these grounds.

THE CONSEQUENCES WITHOUT AID

Unless starfish are dealt a death blow before they destroy the remaining oysters on the beds, thereby completely destroying any chances of a "set" this summer, it will spell doom to a $90 million industry in the States of Connecticut and New York, with an annual production potential of close to $10 million. Furthermore, Rhode Island and Massachusetts, whose oyster farmers are dependent on Long Island for seed also are faced with disaster.

Under normal conditions the State of Connecticut alone issued annually an average of 309 boat licenses to work State natural beds. In 1957 and up to the present, not a single license has been issued by the State for taking of seed from natural grounds.

About 9,000 persons in New York and Connecticut are directly dependent on the oyster industry for their take-home pay. This does not include other allied industries, such as, shipbuilding, marine hardware supplies, engines and fuel, and many others whose business, to a large extent, is contingent upon a thriving oyster industry.

Long Island oysters and seed are shipped to all parts of the country. Oyster seed from Connecticut is the source of 89 percent of oyster production in New York, Rhode Island, and Massachusetts. It cannot be stated too strongly, that this seed business is the cornerstone of a far reaching and diversified industry with its roots firmly embedded in the cool and fertile waters of Long Island Sound.

Starfish in Long Island Sound are destroying the raw material on which this great industry depends. Adequate and prompt control measures will restore the capabilities of this area to provide substantial employment.

WHAT IS BEING DONE AND WHAT IS SUGGESTED

It has been pointed out that industry is spending over $10,000 per week in control measures. This is about the maximum that

can be expected of them. The State of New York marine division of the conservation department has requested an appropriation from their legislature so that they can aid in the control program. The Connecticut Shellfish Commission is developing a similar proposal for their legislature.

The industry strongly urges Congress to appropriate a minimum of $1 million for this project to control these enemies. Coupled with State efforts and the activities of the industry, there can be every reason to expect a sharp improvement in conditions as soon as the program really gets under way. It is standard practice for the Government, through the Department of Agriculture, to engage actively in pest control when farmers as a group are faced with mass destruction of their crops. Our underwater farmers are faced with precisely the same conditions. A plague of starfish to Long Island farmers is comparable to the fire ant plague to land farmers in the South.

Emergency action must be taken if the industry is to survive in Long Island Sound. We are positive that an emergency fund, coordinated with State efforts, will bring satisfactory results.

Item budget needed

Dredging for starfish on a large scale by means of many boats with special attention to protection of natural beds—starfish purchased at a standard price	$500,000
Liming of public grounds, use of lime and other proven chemical methods to destroy starfish on shellfish beds	500,000
Federal funds needed	1,000,000

ADMINISTRATION

The expenditure of funds should be through the office of the Regional Director, United States Bureau of Commercial Fisheries, Gloucester, Mass. Since this is not a research function, it should not be placed in the Shellfish Research Laboratory, except insofar the their staff may provide technical advice.

DURATION

This is a crash program to meet an extreme emergency. Funds should be appropriated for 1 year only. It will be obvious within 12 months after the program starts what results are obtained.

EXCHANGE OF LANDS WITH NAVAHO TRIBE

Mr. GOLDWATER. Mr. President, on behalf of myself, my colleague, the senior Senator from Arizona [Mr. HAYDEN], and the Senator from New Mexico [Mr. ANDERSON], I introduce a bill, and ask that it be appropriately referred.

I ask unanimous consent that the bill be printed in the RECORD, preceded by remarks I have prepared on it.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the statement and bill will be printed in the RECORD.

The bill (S. 3754) to provide for the exchange of lands between the United States and Navaho Tribe, and for other purposes, introduced by Mr. GOLDWATER (for himself, Mr. HAYDEN, and Mr. ANDERSON), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The statement presented by Mr. GOLDWATER is as follows:

STATEMENT BY SENATOR GOLDWATER

The bill which I have just introduced is essential to the ultimate completion of the Glen Canyon unit, which is a principal feature of the Colorado River storage project authorized by the act of April 11, 1956. For purposes of the Glen Canyon Dam, Reservoir, powerplant, and the construction and operating townsite of Page, Ariz., it is necessary to utilize approximately 53,000 acres of land within the present boundaries of the Navaho Indian Reservation in northern Arizona and southern Utah. The proposed legislation provides for the acquisition from the Navaho Tribe of all of its right, title, and interest, save for mineral rights, to the required area. In exchange, there would be transferred to the tribe, to become a part of the Navaho Reservation, an area of equal acreage to be selected from a block of public lands in the McCracken Mesa area in San Juan County, Utah, which block of public lands lies to the north and west of the portion of the present Navaho Reservation in San Juan County, Utah, and abuts the reservation's boundaries within that county. Mineral rights to this area would, however, be retained by the United States. Thus, minerals would be excluded from the exchange.

The public lands in the McCracken Mesa area in Utah are covered by oil and gas leases and the area is considered to have important oil and gas possibilities. The area affected within the reservation, on the other hand, is not considered to be mineral in nature except for the known existence of some low-grade copper.

By the exclusion of mineral rights from the exchange, difficult questions of equivalent value that would otherwise be presented by an equal acreage exchange are avoided. Moreover, the retention by each party of mineral rights permits the continuation of the existing oil leases in the McCracken Mesa area and leaves unaffected the distribution, in accordance with the Mineral Leasing Act, of any revenues received by the United States from mineral leases in that area, a distribution in which the State of Utah will therefore continue to share in accordance with the revenue distribution formula of the Mineral Leasing Act.

The Glen Canyon Dam is under construction in Arizona, 8 miles south of the Utah State boundary. The reservoir will extend up the Colorado River approximately 185 miles and up the San Juan River some 72 miles. The lands within the exterior boundaries of the Navaho Reservation required comprise two parcels. One parcel, referred to in section 2 (b) of the proposed legislation as parcel A, is made up of an area surrounding the dam site on the east or left bank of the Colorado River, which is the site of the left abutment both of the dam itself and of the highway bridge now being constructed in connection with Glen Canyon. This parcel will, in addition, constitute the construction and operating townsite area. The other parcel, referred to as parcel B, required for reservoir purposes, consists of a strip of land along the northerly boundary of the reservation below elevation 3,720 paralleling the Colorado River to its confluence with the San Juan and thence paralleling the latter stream to the upper limit of the reservoir, some 72 miles above the confluence of the San Juan with the Colorado River. The greater portion of the area required is in the State of Utah.

The area within the reservation was selected as the townsite only after consideration of possible alternative sites on the opposite side of the river. By reason of conditions of soil and topography at the selected site, it was considered that costs of developing that site would be substantially less than if the construction and operating headquarters were to be located elsewhere. The townsite, which has been designated as "Page, Ariz.," in memory of the late John C. Page, Commissioner of Reclamation during the period 1937–43, will, it is estimated, have a population of some 10,000 people, including construction forces, necessary supporting personnel, and their dependents, at the height of the estimated 7-year construction period. A permanent population following construction of approximately 4,000 people is forecast by the Bureau of Reclamation.

With the approval of the tribe, in the interests of expeditious construction, the use and occupancy of the lands within the Navaho Reservation required for the Glen Canyon Unit was granted to the Bureau of Reclamation by order of the Secretary of the Interior dated March 22, 1957. This action was taken under authority of the Right-of-Way Act of February 5, 1948 (62 Stat. 17, 25 U. S. C., sec. 323). For the permanent administration of the project and in order to remove a major impediment to the transition of the townsite area to the status of a self-governing community under local law, a more complete acquisition of the tribe's title, as is provided for in section 2 of the proposed legislation, is desirable.

By agreement with the Navaho Tribal Council, determination of just compensation by the Secretary, as provided for under the 1948 Right-of-Way Act, is being held in abeyance pending Congressional consideration of exchange legislation. Enactment of such legislation will obviate the necessity for further proceedings under 1948 act.

The Navaho Tribe has cooperated fully with the Department and its Bureau of Reclamation in connection with arrangements for use of tribal lands for the Glen Canyon unit. As compensation for such lands, the tribe is willing to accept the transfer to it, in exchange, of surface rights to an equal acreage of lands in the general area of McCracken Mesa, Utah, as provided for in the proposed legislation. The tribe realizes, of course, that legislation is required to consummate such transfer.

It is my fervent hope that this legislation can be expeditiously handled by the committees in the Senate, as well as the House. This is legislation that should be passed before we adjourn this summer. It is vital to the welfare of the Navaho Tribe in Arizona, Utah, and New Mexico, and it is vital, as well, to the Bureau of Reclamation in its construction of the Glen Canyon Dam.

It is my sincere pleasure to be joined in this proposed legislation by my colleagues, the senior Senator from Arizona [Mr. HAYDEN], and the junior Senator from New Mexico [Mr. ANDERSON].

The bill (S. 3754) introduced by Mr. GOLDWATER (for himself, Mr. HAYDEN, and Mr. ANDERSON) is as follows:

S. 3754

Bill to provide for the exchange of lands between the United States and the Navaho Tribe, and for other purposes

Be it enacted, etc., That—

(a) The Secretary of the Interior shall, in consideration of and as just compensation for the transfer made by section 2 of this act as well as for the use and occupancy of the lands therein described under terms of the right-of-way granted March 22, 1957, by the Secretary pursuant to the act of February 5, 1948 (62 Stat. 17), transfer to the Navaho Tribe so much of the block of public lands (exclusive of the minerals therein, but inclusive of all range improvements constructed thereon) described in subsection (c) of this section, as shall constitute a reasonably compact area equal in acreage to the lands transferred to the United States under section 2, and the lands so transferred shall constitute a part of the Navaho Reservation and shall be held by the United States in trust for the Navaho Tribe and shall be subject to all laws and regulations applicable to that reservation. The owners of range improvements of a permanent nature placed, under the authority of a permit from or agreement with the United States, on lands transferred pursuant to this sec-

tion shall be compensated for the reasonable value of such improvements as determined by the Secretary out of appropriations available for the construction of the Glen Canyon unit, Colorado River storage project. To the extent that the Secretary is unable to transfer, from the lands described in subsection (c), lands equal in acreage to the lands transferred to the United States under section 2, because of the existence of valid rights in other parties than the United States (other than the rights described in subsec. (d) of this section) he shall transfer to the Navaho Tribe such other available public lands (exclusive of the minerals therein but inclusive of all range improvements thereon) in reasonable proximity to the Navaho Reservation and to the lands described in subsection (c) as the tribe, with the concurrence of the Secretary, may select and as may be necessary to transfer to the tribe equal acreage in exchange for the lands transferred under section 2, and those lands so transferred shall be treated in the same manner as other lands transferred pursuant to this section.

(b) Subject to valid, existing rights, in addition to other requirements under applicable laws and regulations, mineral activities affecting the land transferred pursuant to this section shall be subject to such regulations, which may include, among others, a requirement for the posting of bond or other undertaking, as the Secretary may prescribe for protection of the interests of the Indians. Patents issued with respect to mining claims on the lands transferred pursuant to this section shall be limited to the minerals only, and for a period of 10 years after the effective date of this act, none of the lands described in subsection (c) of this section shall be open to location and entry under the general mining laws.

(c) The block of public lands (which lies to the north and west of the portion of the present Navaho Reservation in San Juan County, Utah, and abuts the reservation's boundaries within the county) from which the transfer under this section is to be made, is described as follows:

SALT LAKE MERIDIAN

Township 38 south, range 23 east, sections 26, 33, 34, and 35.

Township 38 south, range 24 east, section 28; section 29, east half; sections 31, 33, 34, and 35.

Township 39 south, range 22 east, sections 13, 24, 25, and 35, those portions lying east of Recapture Creek.

Township 39 south, range 23 east, sections 1, 3, 4, and 5; sections 8 to 15, inclusive; section 17; sections 18 and 19, those portions lying east of Recapture Creek; sections 20 to 31, inclusive; sections 33, 34, and 35.

Township 39 south, range 24 east, section 1; sections 3 to 15, inclusive; sections 17 to 24, inclusive; sections 26 and 27, those portions lying north and west of the present Navaho Indian Reservation; sections 28, 29, 30, 31, and 33; section 34, that portion lying north and west of the present Navaho Indian Reservation.

Township 39 south, range 25 east, sections 5, 6, 7, 8, and 18.

Township 40 south, range 22 east, section 1; sections 11, 12, 13, 23, 24, 25, and 26, those portions lying east of Recapture Creek and north of the present Navaho Indian Reservation.

Township 40 south, range 23 east, section 1; sections 3 to 15, inclusive; sections 17 to 23, inclusive; section 26; sections 24, 25, 27, 28, 29, 30, 34, and 35, those portions lying north and west of the present Navaho Indian Reservation.

Township 40 south, range 24 east, sections 3, 4, 5, those portions lying north and west of the present Navaho Indian Reservation; section 6; sections 7, 8, 18, and 19, those portions lying north and west of the present Navaho Indian Reservation.

(d) The transfer hereinabove provided for shall also be deemed to constitute full and complete satisfaction of any and all rights which are based solely upon Indian use and occupancy or possession claimed by or on behalf of any individual members of the Navaho Tribe in their individual capacities or any groups or identifiable bands thereof to any and all public lands in San Juan County, Utah, and all such rights to such lands are hereby extinguished from and after January 1, 1963. The tribe is hereby authorized to adopt such rules and regulations as it deems appropriate, with the approval of the Secretary, for residence and use of the lands transferred pursuant to this section: *Provided*, That the tribal council shall give preference until January 1, 1963, in granting residence and use rights to: (1) those Navahos who, prior to the effective date of this act, have used or occupied the transferred lands, and (2) those Navahos who, prior to the effective date of this act, have used or occupied other public lands in San Juan County, Utah.

(e) Upon application of the Navaho Tribe, the Secretary shall grant to the tribe, to be held in trust by the United States for use of tribal members grazing livestock upon the lands transferred under this section, a nonexclusive easement, of suitable width and location as he determines, for a livestock driveway across the public lands in sections 21, 22, 23, and 24, township 39 south, range 22 east, and in section 19, township 39 south, range 23 east, Salt Lake meridian, to connect with United States Highway No. 47. Use of said nonexclusive easement shall be in accordance with regulations prescribed by the Secretary and future uses and dispositions of the public lands affected shall be subject to said easement.

(f) The transfer of lands to the Navaho Tribe as provided in this section shall not affect the status of rights-of-way for public highways traversing such lands which rights-of-way shall remain available for public use including the movement of livestock thereon.

SEC. 2. (a) There is hereby transferred to the United States all the right, title, and interest of the Navaho Tribe in and to the lands (exclusive of the minerals therein) described in subsection (b) of this section. These lands shall no longer be Indian country within the meaning of title 18, United States Code, section 115, and they shall have the status of public lands withdrawn and being administered pursuant to the Federal reclamation laws and shall be subject to all laws and regulations governing the use and disposition of public lands in that status. The rights herein transferred shall not extend to the utilization of the lands hereinafter described under the heading "Parcel B" for public recreational facilities without the approval of the Navaho Tribal Council. No permit, lease, license, or other right covering the exploration for or extraction of the minerals herein reserved to the tribe shall be granted or exercised by or on behalf of the tribe except under such conditions and with such restrictions, limitations, or stipulations as the Secretary deems appropriate, in connection with the Glen Canyon unit, to protect the interests of the United States and of its grantees, licensees, transferees, and permittees, and their heirs and assigns. Subject to the mineral rights herein reserved to the tribe as aforesaid, the Secretary may dispose of lots in townsites established on the lands transferred under this section, together with improvements thereon, under such terms and conditions as he determines to be appropriate, including provisions for payment for the furnishing of municipal facilities and services while such facilities and services are provided by the United States and for the establishment of liens in connection therewith, but no disposition shall be at less than the current fair market value, and he may dedicate portions of lands in such townsites, whether or not improved for public purposes and transfer the land so dedicated to appropriate State or local public bodies and nonprofit corporations. He may also enter into contracts with State or local public bodies and nonprofit corporations whereby either party may undertake to render to the other such services in aid of the performance of activities and functions of a municipal, governmental, or public or quasi public nature as will, in the Secretary's judgment, contribute substantially to the efficiency or the economy of the operations of the Department of the Interior in connection with the Glen Canyon unit.

(b) The lands which are transferred under this section are described as follows:

PARCEL A

The following tract of unsurveyed land situated in Arizona: Beginning on the easterly bank of the Colorado River at a point where said easterly bank is intersected by the south line of section 9, township 40 north, range 8 east, Gila and Salt River base and meridian; thence upstream along the said easterly bank of the Colorado River to a point where said bank intersects the east line of section 16, township 41 north, range 9 east, Gila and Salt River base and meridian; thence south along the east line of sections 16, 21, 28, and 33 of said township 41 north, range 9 east, to the south line of said section 33; thence west along the south line of said section 33 to the east line of section 4, township 40 north, range 9 east, Gila and Salt River base and meridian; thence south along the east line of sections 4 and 9 of said township 40 north, range 9 east, to the south line of said section 9; thence west along the south line of sections 9, 8, and 7 of said township 40 north, range 9 east and along the south line of sections 12, 11, 10, and 9 of said township 40 north, range 8 east, Gila and Salt River base and meridian to the point of beginning.

PARCEL B

The following tract of land in part unsurveyed situated in Arizona and Utah: Beginning at a point where the east line of section 16, township 41 north, range 9 east, Gila and Salt River base and meridian intersects the north boundary of the Navaho Indian Reservation in Arizona; thence upstream in Arizona and Utah along the north boundary of the reservation to a point where said north boundary intersects a contour line the elevation of which is 3,720 mean sea level (United States Coast and Geodetic Survey datum), said point being at approximate river mile 72.7 on the San Juan River above its confluence with the Colorado River, and also being near the east line of township 40 south, range 15 east, Salt Lake base and meridian; thence generally southwesterly within the Navaho Indian Reservation along said contour line the elevation of which is 3,720, to the point where said contour line intersects the east line of section 16, township 41 north, range 9 east, Gila and Salt River base and meridian; thence north along said east line to the point of beginning.

(c) The Secretary and the tribe may enter into such agreements as are appropriate for the utilization, under permits or easements, of such tribal lands, in the vicinity of Rainbow Bridge National Monument, as may be necessary in connection with the carrying out of any measures undertaken to preclude impairment of the monument as provided by section 1 of the act of April 11, 1956 (70 Stat. 105).

(d) As used in this and in the preceding section of this act, the term "minerals" shall not be construed to include sand, gravel, or other building or construction materials.

Mr. BENNETT subsequently said: Mr. President, today the Senator from Arizona [Mr. GOLDWATER] has introduced, on behalf of himself and other Senators,

a bill to permit the Navaho Indians to exchange land which they will lose because of construction of the Glen Canyon Dam, with the resulting reservoir, for 53,000 acres of land in San Juan County, Utah.

The bill culminates over 2 years of negotiations, in many of which I was personally involved. On February 8, 1957, 73,600 acres in San Juan County were withdrawn by the Secretary of Interior, for ultimate transfer to the Navahos. However, the withdrawal was so irregular and erratic that most of the best rangeland and nearly all of the water in the area was included. This would have worked a great hardship on stockmen who have grazed their cattle in the area for a century. Consequently, I asked the Secretary to send a personal representative to inspect the area and to see at first hand the bad effect which the gerrymandered withdrawal would have on grazing operations in the county, and to confer with white stockmen who had not previously been consulted.

In May of 1957, Elmer Bennett, Solicitor of the Department of the Interior, together with a representative from my staff and a representative from the staff of Governor Clyde, made an inspection trip to the withdrawal area. It is a tribute to the reasonableness both of the Department and of the Navahos that the earlier withdrawal was revoked on July 3, 1957. Another withdrawal was then made with revised, more compact boundaries, and relocated directly adjacent to the present northern boundary of the Navaho Reservation in Utah.

I hope that Congress, and particularly the States that will benefit from the upper Colorado storage project, will fully appreciate the sacrifice which the San Juan County stockmen are being called upon to make, by means of this bill, for the sake of the Glen Canyon Dam. They are asked to give up choice grazing land and water rights many miles from the dam. The operations of some of them may be completely wiped out. Others will have their overall operations severely limited, with considerable resulting loss of income. Because of the great economic losses which the stockmen must endure, when the bill is before the Interior Committee, I intend to offer an amendment to compensate the stockmen fully.

The bill, as presently drafted, will compensate the stockmen only for range improvements of a permanent nature. The bill does not authorize compensation for the great reductions in the base value of ranching operations that will be directly caused by the proposed exchange. My amendment would correct this inequity.

I am informed that the Department of the Interior fully recognizes the justice of compensating the displaced and partially displaced ranchers. However, under existing law there is no provision whereby such compensation may be given. Quite clearly, the stockmen have special equities which entitle them to compensation analagous to that given for military withdrawals under 43 United States Code 315 Q. When the livestockmen established their grazing operations in the area, they had no reason to believe that the land would be required, in effect, for reservoir use, particularly when the dam and actual reservoir are many miles removed from the area. Moreover, those who benefit from the Glen Canyon Dam, rather than the stockmen, should pay for it.

Mr. WATKINS. Mr. President, will my colleague yield to me?

Mr. BENNETT. I am happy to yield.

Mr. WATKINS. I call the attention of my colleagues to the fact that a number of years ago the Congress passed an act which authorized the Secretary of the Air Force to negotiate with permit holders on Bureau of Land Management lands which were taken by the Air Force for use for bombing ranges and similar purposes.

Mr. BENNETT. Yes, I am familiar with that law.

Mr. WATKINS. Is that the one to which my colleague refers?

Mr. BENNETT. Yes.

When the amendment is offered, it is my intention so to identify the precedent, as to make it perfectly clear that the amendment depends on the precedent in the case of lands taken for military withdrawals, and for which compensation has been granted.

Mr. WATKINS. Let me say, further, that I believe Congress was wise in authorizing the Air Force to negotiate settlements with those who were required to give up their permits, which they had held for many, many years, for the use of land upon which they had established their sheep business. I believe a similar authorization should be made in the case of other agencies, at the time when similar situations develop.

It seemed to me unfair when, a number of years ago, after some permit holders had had their permits canceled simply because the Air Force took over their lands prior to the passage of the act, they were not given any compensation. I introduced private relief bills, which now are pending, and, I assume, have been sent to the Court of Claims, providing compensation to such permittees on the basis of the same equitable principle, because of the cancellation of their permits.

Mr. BENNETT. I think it is wise to try to solve the problem before a similar situation is created in San Juan County.

Mr. WATKINS. We have another precedent; I believe the Senate recently passed a bill to compensate further the persons whose lands have been condemned for some of the water projects.

In addition to compensation for the property taken—and that compensation is based on the actual fair market value of the property at the time of the taking—it is proper and fair to permit the Secretary of the Interior to negotiate, in connection with the reclamation projects, for compensation to the dispossessed landowners for their actual cost of moving. That would be in addition to the price for the property taken for the project. That is the same principle as the one which applies to the matter my colleague is calling to the attention of the Senate.

Mr. BENNETT. Yes; I think the principle is basically the same.

Mr. WATKINS. I agree with most of what my colleague has been saying.

Although the facts relating to the canceling of permits under discussion are not identical with those relating to the bill the Senate recently passed, I shall be glad to join my colleague in offering an amendment to authorize the Secretary of the Interior to negotiate a settlement with these permittees for the cancellation of their permits for the use of public lands now needed for exchange purposes in connection with the construction and operation of the Glen Canyon Dam and Reservoir.

Mr. BENNETT. Mr. President, I thank my colleague for his comments. Let me say that it is my intention to offer the amendment. Even so, I think the solution which has been worked out by the Department with respect to this land exchange is probably the best possible solution under the circumstances, provided the persons who otherwise would suffer can be compensated.

EXTENSION OF TIME FOR APPROVAL OF CERTAIN PUBLIC BUILDING PROJECTS

Mr. BEALL. Mr. President, I introduce, for appropriate reference, a bill to extend the period within which approval may be given to public building projects under the Public Building Purchase Contract Act of 1954. The act of 1954 amended the Public Buildings Act of 1949 by specifying a 3-year period for approval of projects. The bill which I am now introducing would change the period to 5 years instead of 3 years.

This bill would permit construction of much needed public buildings which have already been planned and on which preliminary work has been done.

This would include the 20-story Federal building planned for the city of Baltimore, which, according to carefully designed plans, would be an important part of that city's dramatic redevelopment of its central business district, to be known as Charles Center, a total of 22 acres to be rebuilt, and which when completed, will make the entire Nation proud of the city of Baltimore. The Federal building is a key structure of this great Charles Center redevelopment, and the construction of this much needed building will give employment to many persons now unemployed, and will be a stimulant to numerous trades and businesses in this part of the country.

Mr. President, my bill would of course apply to other buildings in other States which have been planned but which have not yet been finally approved.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3755) to extend the period within which approval may be given to public building projects under the Public Buildings Purchase Contract Act of 1954, introduced by Mr. BEALL, was received, read twice by its title, and referred to the Committee on Public Works.

CERTAIN CONSTRUCTION AT MILITARY INSTALLATIONS

Mr. RUSSELL. Mr. President, by request, on behalf of myself, and the Sen-

ator from Massachusetts [Mr. SALTONSTALL], I introduce, for appropriate reference, a bill to authorize certain construction at military installations, and for other purposes. This bill is requested by the Department of Defense and is accompanied by a letter of transmittal explaining the purpose of the bill. I ask unanimous consent that the letter of transmittal be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3756) to authorize certain construction at military installations, and for other purposes, introduced by Mr. RUSSELL (for himself and Mr. SALTONSTALL), by request, was received, read twice by its title, and referred to the Committee on Armed Services.

The letter accompanying Senate bill 3756 is as follows:

THE SECRETARY OF DEFENSE,
Washington, May 1, 1958.

Hon. RICHARD M. NIXON,
President of the Senate.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation "To authorize certain construction at military installations, and for other purposes."

This proposed legislation is a part of the Department of Defense legislative program for 1958, and the Bureau of the Budget advises that there is no objection to its presentation to the Congress. The Department of Defense recommends that it be enacted.

This proposed legislation would authorize additional military construction that is urgently needed by the Department of Defense at this time, and would provide additional authority to cover deficiencies in prior construction authorizations. The appropriation of money required for construction is provided for in the budget of the United States Government for the fiscal year 1959.

This legislation consists of titles I, II, III, and IV, covering authorization required by the Departments of the Army, Navy, and Air Force, and the Department of Defense, respectively; and title V covering general provisions relating to this legislation.

This proposal would authorize new construction totaling $1,684,361,000, of which $347,028,000 is for the Department of the Army; $301,062,000 is for the Department of the Navy; $986,271,000 is for the Department of the Air Force; and $50 million is for the Department of Defense. This proposal would also provide additional monetary authority to correct deficiencies in authorization for projects authorized under previous laws totaling $47,238,000, of $13,630,000 is for the Army; $15,825,000 is for the Navy; and $17,783,000 is for the Air Force. Therefore, the total in this proposed legislation of new authorization plus additional monetary authority for projects previously authorized amounts to $1,731,599,000.

This proposal would also repeal as of July 1, 1959, all authorizations, with certain exceptions, for military construction that are contained in laws enacted prior to August 4, 1956. This repeal will continue in effect the policy established in the fiscal year 1956 Military Construction Authorization Act (Public Law 161, 84th Cong.) and continued in the fiscal year 1957 and 1958 acts, of repealing longstanding authority that has not been exercised by the military departments. It is believed that the continuation of this policy will result in a construction program which will reflect more accurately the current needs of the Department of Defense.

Sincerely yours,

NEIL MCELROY.

PROPOSED CIVIL RIGHTS ACT OF 1958

Mr. HUMPHREY. Mr. President, I am about to introduce a bill, and I ask unanimous consent that I may speak on it in excess of the 3 minutes allowed under the order which has been entered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and the Senator from Minnesota may proceed.

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a bill entitled "Civil Rights Act of 1958," and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The introduction of this measure does not indicate that I have modified in any way my enthusiasm for, or cosponsorship of, Senate bill 3257, introduced on February 12, 1958, by a bipartisan group of 16 Senators. On the contrary, I am firmly convinced that Senate bill 3257 is a constructive new approach to the problem of school desegregation and that its provisions for technical and financial assistance to local school districts would foster compliance with the historic decisions of the Supreme Court handed down on May 17, 1954.

Mr. President, I am hopeful that the Senate Judiciary Committee will shortly hold hearings on all bills to protect the constitutional right of equal protection. I believe it is desirable to place before the committee an alternative method of effectuating this great constitutional guaranty.

Mr. President, the chief difference between the bill I am introducing today and Senate bill 3257 is that this new bill confers powers only on the Attorney General, without any provision for participation by the Secretary of Health, Education, and Welfare in local desegregation efforts or grants by him to local school districts. This bill represents a revised version of the old part III of the civil-rights bill (H. R. 6127), considered last year by the Congress, but contains all the improvements suggested during the course of last summer's debate.

Like the Civil Rights Act of 1957, this new measure creates no new substantive rights but merely perfects the procedure by which those rights may be vindicated. Similarly, it is an effort to use civil rather than criminal remedies in effectuation of these rights. In short, the bill seeks to enlist the powers and influence of the Attorney General in a determined attack upon denials of civil rights because of color, race, religion, or national origin.

While this bill would allow the Attorney General to seek injunctions against any civil-rights violations based on racial or religious grounds, he may do so only after a signed complaint has been filed and an investigation by him indicates the existence of illegal practices. The Attorney General therefore will have no roving commission but must await the filing of signed complaints.

In other respects, the bill adopts some of the administrative practices developed by the dozen-odd State commissions against discrimination now functioning so effectively in our Northern States.

Mr. President, I shall now proceed to give a section-by-section analysis of our bill indicating the differences between it and last year's part III of H. R. 6127 and between it and title VI of S. 3257.

ANALYSIS OF THE BILL

Section 1. Section 1 of our bill requires the Attorney General to make a prompt investigation of any signed complaint filed with him charging that any person acting under color of law has engaged, or is about to engage, in an act that would because of color, race, religion, or national origin either (a) illegally deny to or deprive any individual or association of any right guaranteed by the Constitution or any Federal statute, or (b) interfere with, violate, or invade such right.

The direction of the Attorney General to investigate relates only to rights denied or interfered with by an officer or agent of the Federal or any State government acting under color of law. It does not apply to conspiracies or acts of private individuals unless they act in concert with such officer or agent. It is, therefore, within the generally accepted limits of Federal power. But it would apply, for example, to prison officials, *U. S.* v. *Walker* (216 F. 2d 683) and members of a sheriff's posse, *U. S.* v. *Trieweiler* (52 F. Supp. 4).

Individuals or associations, whether or not they are members of a particular racial or religious group, who are threatened with invasion of their rights because they have opposed the denial of or interference with the rights of others, would likewise be entitled to file complaints under this section with the Attorney General.

Section 2. If, as a result of the Attorney General's investigation, he finds "probable cause" to credit the allegations of any complaint filed with him pursuant to section 1, he is required by section 2 to endeavor "by informal methods" to persuade those responsible for the illegal denial of or interference with rights to cease and desist from such practices. The Attorney General would likewise be directed to exercise these informal persuasive efforts where the complaint itself was not substantiated but the investigation undertaken by the Attorney General disclosed "similar" denials or interference. Sometimes a particular complainant who charges illegal discriminatory acts by State officials is unable to substantiate his complaint, but an official investigation uncovers a discriminatory or illegal policy affecting other members of the racial or religious groups involved. In these situations the Attorney General's jurisdiction to endeavor to eliminate the illegal practice continues.

The Attorney General would, therefore, be attempting to eliminate unlawful practices in the same fashion as Federal administrative agencies like the National Labor Relations Board or the Federal Trade Commission or State commissions against discrimination. The Attorney General might, therefore, negotiate with local school boards on segregation issues, with local registrars on voting

issues, and with other State officials on other issues in the performance of his duties.

Section 3. If, however, the Attorney General is unable by the informal methods described in section 2 to eliminate the illegal practices, he is authorized, but not directed, to bring a civil action in the Federal courts in the name of the United States for an injunction or other preventive relief, but not for damages or a penalty. The purpose of this section is therefore the same as section 131 of the Civil Rights Act of 1957, namely, to enjoin and prevent civil rights violations, not to prosecute criminally after they have been committed.

The Attorney General would thus be empowered to sue civilly to enjoin segregation in public schools. This task is too important to be left to private individuals exclusively.

Section 4. This section encourages any person complained of to discuss candidly the charge against him without a fear that admissions he makes may be used against him in a later formal proceeding by forbidding disclosure of such admissions. Similarly, in order to prevent reprisals against persons filing complaints, the Attorney General is forbidden to identify the complainant, unless he deems such disclosure necessary to the proper performance of his duties.

Section 5. This section authorizes, but does not direct, the Attorney General to bring the civil suit described in section 3 upon the request of the duly constituted authorities of any State agency, whenever they allege that they are being hindered in their effort to assure equal protection of the law to everyone without racial or religious distinctions. Such hindrances from local mobs can then be enjoined. That the Attorney General has power in such situations is indicated by the recent case of *Brewer* v. *Hoxie School District* (238 F. 2d 91 (C. A. 8, 1956)).

Section 6. To insure uniformity of law enforcement and to assist in the prompt and orderly effectuation of national policy, this section authorizes the Attorney General to intervene in any civil rights litigation based on racial or religious discrimination, brought by a private litigant, with all the rights of a party thereto. The Attorney General would also be authorized to seek compliance with any lawful order issued by a court as a result of such litigation.

Section 7. This section confers jurisdiction upon the district courts of the United States over proceedings instituted by the Attorney General pursuant to this act. The court would be required to exercise such jurisdiction without requiring that any party thereto shall have first exhausted any administrative or other remedies provided by other laws. This section is identical with section 131 (d) of the Civil Rights Act of 1957.

Section 8. This section is identical with section 131 (e) of the Civil Rights Act of 1957. It reaffirms the right of counsel in contempt proceedings and directs the court to assign counsel to any defendant in such proceedings who requests them upon showing that he is financially unable to provide such counsel. The defendant's right to a fair hearing in such contempt proceedings is also spelled out.

Section 9. This section is identical with section 151 of the Civil Rights Act of 1957. It incorporates the same compromise on jury trial in criminal contempt. The provision similarly does not apply to contempts committed in the presence of the court.

Section 10. This section makes it clear that the act does not impair any existing right or remedies or prevent private suits to vindicate constitutional or other rights.

Section 11. This is the conventional separability clause.

Section 12. This section gives the title of the proposed act.

DIFFERENCES BETWEEN BILL AND PART VI OF S. 3257

There are several important differences between this bill and part VI of S. 3257, as follows:

First. Part VI authorizes the Attorney General to bring civil suits but only with respect to deprivations of the right of equal protection of the law by reason of race, color, religion, or national origin. This bill applies to all rights, guaranteed by the Constitution or the laws of the United States that are denied or interfered with because of race, color, religion, or national origin.

Second. Part VI authorizes the Attorney General to institute a civil action to vindicate the right to equal protection only when the Attorney General certifies that the individual or group threatened with the denial of such right is unable for any reason to seek effective legal protection of such right. This bill requires no such certification but leaves the bringing of such a suit to the sound discretion of the Attorney General.

Third. Section 602 of part VI authorizes the Attorney General to seek injunctions against any person or groups preventing or hindering Government officials from according the right of equal protection of the laws without regard to race, color, religion, or national origin. This bill authorizes injunction suits by the Attorney General upon the request of such officials whenever they allege that they are hindered by any person or persons in giving or securing any right guaranteed by the Federal Constitution or Federal statutes because of color, race, religion, or national origin.

Fourth. Part VI contains no provision like section 2 of this bill, authorizing the Attorney General by informal methods to persuade persons responsible for illegal practices to cease and desist from illegal acts.

Fifth. Part VI contains no provision, like that contained in this bill's section 4, requiring the Attorney General to keep confidential admissions made by respondents and, whenever possible, the identity of the complainant.

Sixth. Part VI contains no provision like that in section 8 of this bill, on furnishing counsel to persons charged with contempt or on the rights of such persons in such proceedings.

Seventh. Part VI contains no provision, like that in this bill's section 9, specifying a jury trial in certain types of criminal contempt cases.

DIFFERENCES BETWEEN BILL AND PART III OF H. R. 6127

Part III of H. R. 6127 debated last summer by the Senate is markedly different from this bill.

H. R. 6127 would have supplemented existing civil rights statutes—title 42, United States Code, page 1985—making it a civil wrong (a) to prevent a Federal officer from performing his duties; (b) to conspire to obstruct justice or to injure a person attempting to vindicate rights to equal protection; or (c) to conspire to interfere with the right and privileges of citizens of the United States. New powers would have been conferred upon the Attorney General to bring a civil action to enjoin acts in violation of these old civil rights laws. This bill allows such equitable actions by the Attorney General whenever a complaint is filed of an illegal denial of or interference with any Federal right or privilege on racial or religious grounds. The illegal acts are described more generally in this bill in an effort to include all of such acts.

Mr. President, this bill is a systematic and comprehensive effort to confer power upon the Attorney General to enjoin violations of any Federal right or privilege denied or interfered with because of color, race, religion or national origin. Unlike H. R. 6127, it also authorizes civil actions against mobs hindering Government officials from according rights without racial or religious distinctions and against similar interference with the execution of court orders protecting such Federal rights. Unlike H. R. 6127, it provides for the filing and investigation of complaints, directs the Attorney General by informal means to eliminate illegal practices, requires him to keep confidential admissions made during the process of settlement and the identity of complainants, allows intervention by him in any private civil rights litigation and finally seeks to clarify the law and procedure as to civil and criminal contempts arising from a violation of a court order in such litigation.

Mr. President, I think all of these items should be considered in hearings on civil rights bills which I hope will be held by the Subcommittee on Constitutional Rights. The issue of civil rights has by no means passed into legislative oblivion merely by the passage of the Civil Rights Act of 1957. The people of the United States have a right to know that civil rights are under constant scrutiny by the Congress with a view toward further constructive legislative action.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3759) to provide further means of securing and protecting the right of persons within the jurisdiction of the several States to the equal pro-

tection of the laws and other civil rights guaranteed by the Constitution or laws of the United States, introduced by Mr. HUMPHREY, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That whenever the Attorney General shall receive a signed complaint that any person or persons has engaged in, or is about to engage in, any act or practice under color of law that would illegally deny or deprive any individual or group of individuals or association of his or its right to equal protection of the laws or to any other right guaranteed by the Constitution or the laws of the United States, or would interfere with, violate, or invade such rights, because of color, race, religion, or national origin or because he or it has opposed such denial or interference, the Attorney General shall promptly cause an investigation to be made of such complaint.

SEC. 2. If the Attorney General after the investigation described in the first section shall find that probable cause exists to credit any complaint filed pursuant to such section or any other similar denial or interference disclosed by such investigation, he shall endeavor by informal methods to persuade the person or persons responsible for such denial or interference to cease and desist from such illegal acts.

SEC. 3. If the Attorney General shall determine that he is unable by the informal methods described in section 2 to eliminate the illegal denial or interference, he may institute for and in the name of the United States a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any such proceeding hereunder, the United States shall be liable for costs the same as a private person.

SEC. 4. The Attorney General shall not make public any admission or other statement by the person or persons complained of made in the course of the informal efforts described in section 2. He shall not disclose the name of the person signing the complaint described in the first section unless he deems such disclosure necessary for the proper performance of his duties.

SEC. 5. The Attorney General is hereby authorized upon written request of the duly constituted authorities of any State or Territory, or subdivision, agency, or instrumentality thereof, to institute the legal proceeding described in section 3 whenever such authorities allege that any person or persons are preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder, such authorities from giving or securing to any individual or group of individuals or association his or its right to equal protection of the laws or to any other right guaranteed by the Constitution or the laws of the United States because of color, race, religion, or national origin or because he or it has opposed any denial of or interference with such rights. The Attorney General is further authorized to institute for and in the name of the United States a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder, the execution of any court order protecting any right guaranteed by the Constitution or the laws of the United States from denial or interference by reason of color, race, religion, or national origin.

SEC. 6. Whenever a suit is brought in the district courts of the United States seeking relief from a denial of or interference with the right to equal protection of the laws or of any other right guaranteed by the Constitution or the laws of the United States because of color, race, religion, or national origin, or because of opposition to such denial or interference, the Attorney General is authorized to intervene in such action with all the rights of a party thereto and to seek compliance with any lawful order issued by such court.

SEC. 7. The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this act and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

SEC. 8. Any person cited for an alleged contempt under this act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed in his defense to make any proof that he can produce by lawful witnesses and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel.

SEC. 9. (a) In all cases of criminal contempt arising under the provisions of this act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided, however*, That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of 6 months: *Provided further*, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however*, That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of 45 days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

(b) This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court.

(c) Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

SEC. 10. Nothing in this act shall be construed as impairing any right guaranteed by th Constitution or laws of the United States or any remedies already existing for their protection or enforcement nor shall anything herein prevent any person or association from seeking to vindicate any constitutional or statutory right by any lawful means.

SEC. 11. If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the remainder of this act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

SEC. 12. This act may be cited as the "Civil Rights Act of 1958."

AMENDMENT OF TARIFF ACT OF 1930, RELATING TO MARKING OF IMPORTED ARTICLES AND CONTAINERS—AMENDMENT

Mr. PURTELL submitted an amendment, in the nature of a substitute, intended to be proposed by him, to the bill (S. 2240) to amend the Tariff Act of 1930 with respect to the marking of imported articles and containers, which was referred to the Committee on Finance, and ordered to be printed.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT, RELATING TO PAYMENTS FROM VOLUNTARY CONTRIBUTIONS ACCOUNTS—AMENDMENTS

Mr. JOHNSTON of South Carolina submitted amendments, intended to be proposed by him, to the bill (H. R. 4640) to amend the Civil Service Retirement Act with respect to payments from voluntary contributions accounts, which were ordered to lie on the table, and to be printed.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. MURRAY:

Statement by Montana Congressional delegation in opposition to right-to-work legislation.

By Mr. NEUBERGER:

Article entitled "The Struggle Without End," written by CHARLES O. PORTER, relating to freedom from totalitarian control, published in the New Leader of April 14, 1958.

THE SECRET MANIFESTO OF THE CIVIL LIBERTIES UNION

Mr. TALMADGE. Mr. President, much attention and publicity have been given to a statement by a group of 100 so-called representative lawyers, declaring it a duty to recognize decisions of the Supreme Court as the supreme law of the land.

That statement was first published in the December 1956 issue of the American Bar Association Journal, and was reprinted in the CONGRESSIONAL RECORD in January 1957. It was not until April of this year, however, that the identity of its sponsors and the circumstances surrounding its preparation were made public in the publication of hearings held by the Internal Security Subcommittee of the Senate Committee on the Judiciary.

In order to set the record straight about the questionable motives and background of the initiators of this statement, a noted member of the Georgia bar and a recognized authority on constitutional law, Hon. R. Carter Pittman, of Dalton, Ga., has written an article, which he has submitted to the American Bar Association Journal, setting forth all the facts which now have been brought out about this matter.

Mr. Pittman's article is most revealing; and I ask unanimous consent, Mr. President, that it be printed herewith in the body of the RECORD.

I also ask unanimous consent, Mr. President, to have printed following it in the body of the RECORD, Mr. Pittman's article giving the true definition of "the law of the land," as it appeared in volume 6, No. 2, of the Journal of Public Law of the Emory University Law School, of Atlanta, Ga.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE SECRET MANIFESTO OF THE CIVIL LIBERTIES UNION, SIGNED BY 100 "REPRESENTATIVE" LAWYERS

The December 1956 issue of the American Bar Association Journal published an article entitled "Recent Attacks Upon the Supreme Court: A Statement by Members of the Bar." In a foreword Hon. George Wharton Pepper, a respected and aged attorney of Philadelphia, stated that he was submitting it for publication and bringing it to public attention for a "representative group of American lawyers" whose names were affixed to it.

Both before and since publication by the Journal, it was reproduced in many newspapers throughout the Nation, in many State and local bar association journals and, in January 1957, was printed in the CONGRESSIONAL RECORD.

That statement was an attempt to answer statements, speeches, and articles by numerous constitutional authorities, Members of Congress, newspaper editors, and others critical of the Supreme Court and charging the Court with usurpation of power.

Among the doctrine propounded in the statement, that appeared peculiar to many, was the following:

"The privilege of criticizing a decision of the Supreme Court carries with it a corresponding obligation—a duty to recognize the decision as the supreme law of the land as long as it remains in force."

That doctrine seemed peculiar because it purports to take the Court from under the Constitution and put it over the Constitution. It reduces the Constitution from the dignity of a founding charter, commanding faithful support by all, including judges, to an expedient to be used by any with the naked power to command. Sociology, chance, caprice, or the will of judges, not elected by the people or amenable to their will, were thus made paramount over the Constitution—and the people too.

That strange doctrine challenges the fundamental principle that forms the basis of all republics, which requires all laws to be made by or with the consent of the people.

Decisions, decrees or edicts have never been accepted or enforced as "the supreme law of the land" anywhere except in totalitarian lands. Government by consent of the governed, under laws enacted by their representatives elected for such purpose, is the very definition of a republican government of laws. Government without the consent of the governed is the very definition of a despotism.

The mystery as to the influences that brought about the preparation and formulation of the amazing statement seems to have remained secret until February 1958. The publication of the hearings of the subcommittee of the Judiciary Committee of the United States Senate around April 1, 1958, first made it public.

The second signer of that statement was Mr. Ernest Angell, of New York City. On February 27, 1958, Mr. Angell testified before the Internal Security Subcommittee of the Senate against imposition of any curbs on the Supreme Court. On page 214 of part II of the hearings Mr. Angell took the position that the Supreme Court may make the law of the land, not by the process of legislating but by the process of declaring. He contended that the Court may not only make law, but that it may convene itself into a constitutional convention and change the Constitution itself "in the sense of adaptation." Mr. Sourwine, counsel for the Senate committee, inquired:

"In other words, it is merely changing the meaning of the Constitution in accordance with the Supreme Court's findings, according to the social atmosphere of the country?"

To which Mr. Angell replied:

"Social atmosphere, practical necessities of the society, business demands, the growth of industry beyond the capacity of a single State unit effectively to control it—there are many reasons for adaptation."

On page 215 Mr. Angell evidenced great pride in the statement, mentioned above, saying with becoming modesty:

"I had a hand in initiating it."

On page 126 he continued:

"The circulation was originally undertaken from Senator Pepper's office in the summer of 1956 after it had been prepared. At that point, being then, well, I forget whether it was 89, or some such age, nearly that, he became ill and couldn't go to his office regularly. The devolvement happened upon me as one of the original starting group, and I sent out the statement to this larger group after some 30 or 40 of us had already indicated our approval of it. When the letters of approval, all of them in writing, had come in from slightly over a hundred lawyers, we then put it out as a public release and statement. It appeared in the American Bar Association Journal."

The questions by Mr. Sourwine and answers of Mr. Angell continue:

"Mr. SOURWINE. It was widely printed?

"Mr. ANGELL. Yes; it was very widely printed. We produced it in whole or in part in a great many newspapers around the country and in full in a number of local bar associations.

"Mr. SOURWINE. You drafted the statement?

"Mr. ANGELL. I had no part in drafting the statement. It was done by a man who is a scholar in constitutional law, one of the original group whom we drew in one of the small conferences with Senator Pepper.

"Mr. SOURWINE. Who was the drafter?

"Mr. ANGELL. Prof. Paul Froyen [sic], of Harvard Law School, who in his younger years had been a secretary to one of the Justices of the Supreme Court. I have forgotten now which one.

"Mr. SOURWINE. His name is well known?

"Mr. ANGELL. Yes; he is recognized as an outstanding scholar.

"Mr. SOURWINE. I thought it was of considerable interest to develop that."

Many others agree with Mr. Sourwine that it was "of considerable interest to develop that."

At the beginning of his testimony Mr. Angell introduced himself as a lawyer with a New York City address, saying:

"I appear on behalf of the American Civil Liberties Union, of which I am chairman of the board of directors."

Martindale's Legal Directory reveals some extraordinary information about this "representative group of American lawyers," to which Senator Pepper referred. One hundred and three names were affixed to the statement. The school affiliations of only 95 could be found. While the graduates of Harvard Law School represent perhaps less than one-twentieth of 1 percent of all the lawyers in America, 32 out of the 95, or more than 33⅓ percent of the representative group were Harvard men. By way of contrast, the school furnishing the next largest number was Michigan with 7.

Certainly not more than one-tenth of 1 percent of the lawyers in America are professors. However, Martindale's reveals that 21 percent of the 95 in this representative group were of the cap and gown variety.

Thus it unmistakably appears from Martindale's and the voluntary assertions of Mr. Angell that the good name and high reputation of Hon. George Wharton Pepper who, at the age of 89, was so ill and infirm that he couldn't go to his office regularly, was used as a front by the American Civil Liberties Union and a dubious segment of the Harvard Alumni Society to lead the editors of the American Bar Association Journal, the members of the American Bar Association and the generality of the American people into the belief that an impartial, and indeed a representative group of more than 100 American lawyers was bold to proclaim that the Supreme Court of the United States may not only make the law of the land, but may make the supreme law of the land.

The February 1958 issue of the American Bar Association Journal carries an article by Hon. Alfred J. Schweppe, of Seattle, Wash., former dean of the law school of the University of Washington, a constitutional lawyer of national repute and one of the editors of the Journal, which demonstrates authoritatively and conclusively that the Supreme Court of the United States has no power to make the law of the land much less the power to make the supreme law of the land.

Since the true authorship and the sponsorship of the so-called statement by a so-called "representative group of American lawyers" has been kept secret from the American people for almost 2 years, this disclosure and exposure of the secret is made with the hope (vain as it may prove to be) that the press, that was so generously free to those who promulgated the statement, will feel free to demonstrate a decent respect for the rights of the American people to know the whole truth. If the people want to pardon or sanction a deception they may do it, but the press is not free to do it for them.

R. CARTER PITTMAN.

DALTON, GA.

[From the Journal of Public Law, vol. 6, No. 2, Emery University Law School, Emery University, Ga.]

THE LAW OF THE LAND [1]

(By R. Carter Pittman) [2]

(Role of the Supreme Court symposium, No. 8)

Montesquieu said in his Spirit of Laws that in a republic, rulers govern by fixed and established laws while a despot governs according to his own will and caprice without laws or rules. Again he said, "In despotic

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[1] Much of the material contained herein appears also in an article by Mr. Pittman in 19 Ga. Bar J. 309 (1957).

[2] Attorney, Dalton, Georgia; author, The Colonial and Constitutional History of the Privilege Against Self-Incrimination in America, 21 Va. L. Rev. 763 (1935) and other works.

governments there are no laws; the judge himself is his own rule." But in free states, he asserted, there is a law, and where it is precise, the judge follows it; where it is not, he tries to discover its spirit.

The fundamental difference between a despotism and a republic is how the law of the land is made or in whom legislative power is vested, in what the law consists and how it is enforced. On every side one hears that a decision of the Supreme Court of the United States is the law of the land and must be obeyed by everyone whether he or she was a party to the case or not. Politicians assert the doctrine and call out troops to enforce it. Newspapers and periodicals simplify, distort and perpetuate it. Pulpits echo it, and our children are taught it. Nothing like it has ever been heard in America before. It would seem that declamation has stolen a march on history and found something new.

It was to settle the question as to who should make the law that Charles I and the Earl of Strafford forfeited their heads in the Puritan revolution and that Lord Chief Justice Jeffries died in London Tower in the glorious revolution.

It was to settle forever all questions as to who should make law that the very first sentence of our Constitution was made to say:

"All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

It was to settle that question that section 8 of article I of the Constitution reiterated in its last clause that "The Congress shall have power * * * to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

It was to settle that question that every power of the President beyond the execution of laws of the Union enacted by the Congress was spelled out in the Constitution by words so plain that anyone who can read English and knows a smattering of American history can understand.

Section 2 of article III of the Constitution "extends" the judicial power to "cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority." Article VI of the Constitution defines "the supreme law of the land" as: "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made under the authority of the United States." Thus article VI repeats the words of article III in order that the judicial department could never make a valid claim that its decisions in "cases" are "the supreme law of the land." Section 2 of article III "extends" the "judicial power" to other defined "cases" and "controversies," depending upon laws of nations—or of States—not relevant here. But for that extension the courts would have been limited, exclusively, to judging cases involving "the law of the land." Since article III limits Federal jurisdiction to cases, a decision in a case becames the law of the case, binding only upon the parties thereto—not "the law of the land," binding upon everyone.

It was to keep Federal courts from making law under the guise of finding law that the framers of the Federal Constitution, unlike the framers of our State constitutions, withheld from the Federal courts jurisdiction of cases and controversies arising under common law.

A republic is a government in which all laws are established by the immemorial customs of the people or are made by representatives of the people in legislative assemblies. If laws may be established or made by men not elected for such purpose by the people, whatever that government may be called, it cannot be a republic.

Writing in January 1775 in Novanglus, No. 7, a treatise on government, John Adams said:

"If Aristotle, Livy, and Harrington knew what a republic was, the British constitution is much more like a republic than an empire. They define a republic to be a government of laws, and not of men."

By 1787 the principles of republican government had been so fully discussed in newspapers, in pamphlets and in general works on law and government that the ordinary American layman fully understood that the legislature makes, the judiciary interprets and the executive executes the law in all republican governments. From 1750 until 1791, a favorite subject for discussion in America was government. Microfilms of newspapers of those years reveal thousands of pages devoted to that subject. During these years more of the common people became expert in the science of government than at any other time in our history.

The following is a portion of a typical essay on government, copied from the front page of the Virginia Gazette of September 20, 1783 (4 years before the Constitutional Convention). The Virginia Gazette copied it from the Maryland Gazette of an earlier date. It reveals a deep understanding of the place of the law and the judge in a republic and is sadly prophetic too:

"In republican governments, and limited monarchies, many more laws are necessary than in despotic ones: The reason is that in the two former justice is almost mechanical, the judge must apply the letter of the law, from which his judgment must not, nay cannot dissent. He must have either a law, or an established precedent for all his opinions; but in the latter he must consult his own feelings, and gratify his own inclinations in his decisions. In republican governments, and limited monarchies, we must look to the laws for our happiness and safety; but in despotic ones, depend upon the knowledge and integrity of the judge. In the first and second, we have the delegated voice of the whole body politic in favor of a legal decision; but in the third, only the opinion and caprice of a single member of the community, to depend upon for justice.

"Republican governments will only be supported while they support justice; because being the most expensive, in order to obtain superior advantages, which if not visible the propriety of adopting another form will be manifest."

Everyone understood in 1787 that the new government, constructed by the Constitution, was to be a republic. The people were so adamant on the point that a guaranty of perpetual republican government in the States was thought appropriate to be inserted in the Constitution itself. So section 4 of article IV of the Constitution was made to say:

"The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence."

Thus the Union of States guarantees to every State of the Union that the form of its government shall remain republican, and pledges that the republican State governments shall never be invaded from without. The same section leaves the United States powerless to use Federal troops for any other purpose within a State unless called for by the legislature, or by the executive, when conditions are such that the legislature cannot be convened.

A government in which laws may be made by any man or body of men other than those who must obey those laws, or by their representatives in assembly, is a despotism.

The first paragraph of the Georgia constitution repeats that which many American State constitutions likewise repeat:

"All government, of right; originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. Public officers are the trustees and servants of the people, and, at all times, amenable to them." [3]

That provision of fundamental law goes back to the Virginia Declaration of Rights just as does the preamble of the Declaration of Independence which was adopted 1 month after the Virginia Declaration.

The statement as originally written for the Virginia Declaration of Rights was in these words: "That all power is by God and nature vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them." [4]

The idea that people may not be forced to obey laws except laws made by themselves or their own representatives is not an American idea—it is as old as liberty itself because without it there can be no liberty. The English colonists in America and in the West Indies insisted at all times under their charters, under the common law, and under their rights as Englishmen, that they could not be governed by any laws except those made by their own representatives. A century before the American Revolution the Attorney General of England held that the colonists could be governed "by such laws only as are made there and established by His Majesty's authority." [5] There was no substantial question raised about the correctness of that view in America until about 15 years before the American Revolution.

As long as the American colonists were governed only by such laws they were happy and tranquil citizens of the British Empire. The proposition that sovereignty rests in the people and that they are bound by no laws except those they have consented to by themselves or through their representatives was contended for at Runnymede. It was fought for in England during the Puritan Revolution at the very hour when our forefathers first boarded their little ships to come to America. The proposition that kings or courts, or star chambers or judges may make laws for the people was a favorite thesis of the Stuart kings and of Filmer.

Writing in 1659 on the principles and maxims concerning government which are asserted by those that are commonly called Levellers, Thomas Brewster outlined the contentions of the Levellers who remained in England to fight to the end in the Puritan revolution. He said in part:

"I. First, they assert it as fundamental that the Government of England ought to be by laws, and not by men; they say the laws ought to be the protectors and preservers under God of all our persons and estates, and that every man may challenge that protection as his right. * * *

"II. The Levellers' second maxim, or principle about government, is that all the laws, levies of moneys, war and peace, ought to be made by the people's deputies in Parliament, to be chosen by them successively at

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[3] Georgia Code Ann. § 2–101 (1948).

[4] 1 Rowland, The Life of George Mason 434 (1892).

[5] 10 Calendar of State Papers, 1677–1680 (Colonial), Nos. 1346–47, at 520–21 (Gainsbury & Fortescue eds., 1896). In general consult Russell, The Review of American Colonial Legislation by the King in Council 26 et seq. (1915); Jameson, Narratives of Early Pennsylvania 208 (1912); 2 Winthrop, History of New England 352 (1353); Winslow, New England Salamander, in 2 Massachusetts Historical Society Collections 137 (series 3, 1813).

certain periods of time; and that no council table, orders, or ordinances, or court proclamations [ought] to bind the people's persons or estates; it is the first principle of a people's liberty that they shall not be bound but by their own consent, and this our ancestors left to England as its undoubted right, that no laws to bind our persons or estates could be imposed upon us against our wills. * * *

"III. The Levellers assert it as another principle that every man of what quality or condition, place or office whatsoever, ought to be equally subject to the laws. Every man, say they, high and low, rich and poor, must be accountable to the laws and either obey them or suffer the penalties ordained for the transgressors; there ought to be no more respect of persons in the execution of the laws than is with God Himself if the law be transgressed."[6]

The Levellers were not levelers. One of the cardinal principles of the Levellers was that representatives of the people are bound "from abolishing propriety, leveling men's estates, or making all things common."[7] The name "Levellers," was given to them by the minions of arbitrary power in an effort to make them appear odious.[8]

Roger Williams, the founder of Rhode Island, was a Separatist and a Leveller and hence believed in and suffered for those principles of government that were fought for in the Puritan revolution, the glorious revolution, and finally in the American Revolution and that eventually became the basis and foundation of republican governments, sought to be perpetuated in our American constitutions. The Levellers in government were Separatists in religion. Since Roger Williams was both a Leveller and a Separatist, he was anti-Communist, anti-Socialist, and pro-God. In 1644 Williams wrote the Bloody Tenet of Persecution. His doctrine sounds so American and so familiar now:

"[I]n a free state no magistrate hath power over the bodies, goods, lands, liberties of a free people but by their free consents."[9]

Again:

"[W]e have formerly viewed the very matter and essence of a civil magistrate, and find it the same in all parts of the world, wherever people live upon the face of the earth, * * * I say the same, essentially civil, both from (1) the rise and fountain whence it springs, to wit, the people's choice and free consent, [and] (2) the object of it, viz, the common weal or safety of such a people is in their bodies and goods, as the authors of this model have themselves confessed."[10]

The concluding sentences of his treatise say:

"All lawful magistrates * * * are but derivatives and agents, immediately derived and employed as eyes and hands, serving for the good of the whole. Hence they have and can have no more power than fundamentally lies in the bodies or fountains themselves, which power, might, or authority is not religious, Christian, etc., but natural, human, and civil."[11]

Thus we see that the Virginia Declaration of Rights and the Declaration of Independence said nothing about sources of power that was not being said by Americans in America 150 years earlier.

After the House of Hanover came to the throne in England and after the American Colonies had grown in stature, and particularly after the French and Indian wars, the Kings and Ministers of England decided it to be sociologically proper to govern the American Colonies as ancient Rome had governed her conquered provinces. Colonies were unknown in the world for a thousand years before 1600. Geography stood still that long. England had to seek an ancient precedent because there was no other. Ancient Rome sought to justify arbitrary rule over colonists by asserting that her colonies were conquered provinces and the inhabitants not entitled to human freedom, or even to be consulted about their government. Ancient Rome established and practiced the civil-law rule that government by consent does not apply to a conquered people. Indeed, it was conquered people who became the slaves of Rome.

So it was that the ministers of George II and George III insisted that the American Colonies occupied the status of conquered provinces as in ancient Rome, to be governed at the will of kings and ministers by proclamations, instructions, judicial decrees and acts of a Parliament that did not represent Americans. That contention was answered in hundreds of state papers prior to the American Revolution. One of the most famous answers was written into the Fairfax Resolves by George Mason, who wrote the Virginia Bill of Rights and Constitution, and later the master first draft of the Federal Bill of Rights. The Fairfax Resolves was carried to Williamsburg by George Washington, where it became a model for the Virginia Resolves and later a model for the Resolves of the Continental Congress. Here are the first and second of those Resolves, adopted at a Fairfax County meeting, of which George Washington was chairman, in the town of Alexandria, Va., on the 18th day of July 1774:

"1. *Resolved,* That this Colony and Dominion of Virginia cannot be considered as a conquered country, and, if it was, that the present inhabitants are not of the conquered, but of the conquerors. That * * * our ancestors, when they left their native land, and settled in America, brought with them, even if the same had not been confirmed by charters, the civil constitution and form of government of the country they came from, and were by the laws of nature and nations entitled to all its privileges, immunities, and advantages, which have descended to us, their posterity, and ought of right to be as fully enjoyed as if we had still continued within the realm of England.

"2. *Resolved,* That the most important and valuable part of the British Constitution, upon which its very existence depends, is, the fundamental principle of the people's being governed by no laws to which they have not given their consent by representatives freely chosen by themselves, who are affected by the laws they enact equally with their constituents, to whom they are accountable, and whose burthens they share, in which consists the safety and happiness of the community; for if this part of the constitution was taken away, or materially altered, the government must degenerate either into an absolute and despotic monarchy, or a tyrannical aristocracy, and the freedom of the people be annihilated."[12]

American colonial records are full of state papers, published before the Revolution, in which our forefathers hammered home the same contention that they and their posterity were entitled to be treated as free men instead of slaves and that they were entitled to make the laws they should obey. "No taxation without representation" was merely a subsidiary slogan.

Against that background of fundamental principles settled by the American Revolution, is it any wonder that all of the constitutions of the separate States and the Constitution of the United States should provide explicitly, and in language so plain that it may not be misunderstood by anyone, that the people of America may be "governed by no laws to which they have not given their consent by representatives freely chosen by themselves"?

Most of those in the Constitutional Convention of 1787 had risked their lives, their liberties, and their fortunes in the Revolution that had come to a close 6 years earlier. They knew what they had fought for. They had taken up arms to decide not only who should govern but how they should be governed. Having suffered themselves and knowing the history of the suffering of their forebears and all mankind over the centuries in the struggle for freedom and dignity under the rule of law instead of the rule of men, always despotic, is it any wonder that our forefathers wrote into the Constitution of the United States the most important and valuable part of that for which they fought, which was the fundamental principle of the people's being governed by no laws to which they have not given their consent by representatives freely chosen by themselves? They made the Constitution say who should make the laws and how laws should be made. They intended that never again in America should they, or their children, answer the knock on the door to discover "the law of the land" standing at the threshold.

If a decision or decree or marshal of a Federal court had been intended to be "the supreme law of the land," our forefathers would have said so in article VI. A reason why the Constitution defined the "law of the land" was to exclude common law, judge-made law, or law that comes knocking on doors. Luther Martin of Maryland wrote that provision of the Constitution. He hated a government of men as much as John Adams, Mason, and Jefferson.

The same section that defines "the supreme law of the land" adds clarity in its last clause: "* * * and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding." So the plain and unambiguous words of the Constitution itself make the Constitution, acts of Congress and treaties made in accordance with the Constitution, supreme over the constitution or laws of any State. Nothing else could be supreme over the constitution and laws of any State.

The framers of the Constitution understood that courts exist to apply law—not to make law. In article VI they made all judges take an oath to support this Constitution above laws enacted by Congress, treaties, Supreme Court decisions or anything else that might pass for national law. If decisions are the supreme law of the land, judges appointed to office on account of their philosophy instead of their learning, and unrestrained by God or government, are free to roam at large, tinkering here, experimenting there, and destroying charters and landmarks everywhere. When the framers put judges under oath, gave them nonprecarious tenure and pay and freed them from earthly fears and wants, it was the best they knew to do. They hoped that free judges, owing their freedom to the Constitution, would support it against usurped power.

If there is one thing clear from the history of our people and from the plain words of the Constitution, it is the proposition that a decision of the Supreme Court of the United States is not "the law of the land." The word "law" is never used in the Constitution in a connotation that might justify the belief that anyone dreamed then that a judge might make law. The word "law" means law enacted by the representatives of the people or set forth in the Constitution itself or in treaties.

[6] Dunham and Pargellis, Complaint and Reform in England, 679, 680–683 (1938).

[7] Petition to the House of Commons, September 11, 1648, in Woodhouse, Puritanism and Liberty, 338, 340 (1938).

[8] Dunham and Pargellis, op. cit. supra, note 4, at 680.

[9] Woodhouse, Puritanism and Liberty, 285 (1938).

[10] Ibid., at 288.

[11] Ibid., at 292.

[12] Rowland, op. cit. supra note 2, at 418–419.

In *Swift* v. *Tyson*, Mr. Justice Story said for a full bench that "in the ordinary use of language, it will hardly be contended that the decisions of courts constitute laws. They are, at most, only evidence of what the laws are. * * * They are often re-examined, reversed, and qualified by the courts themselves, whenever they are found to be either defective, or ill-founded, or otherwise incorrect." [13]

One of many examples of the restricted and precise meaning of the word "law" as used in the Constitution is in clause 3, section 9, article I: "No Bill of Attainder or ex post facto Law shall be passed." From Jeffries and Scroggs to Warren, no judge ever "passed" a law, without usurpation.

When the Congress was adopting amendments to the Constitution in 1789, the Members were just as careful in writing the first sentence in the Bill of Rights as the framers were in writing the first sentence of the Constitution itself. The first amendment says:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Thus freedom of religion, freedom of speech, freedom of the press, freedom of assembly and freedom to petition the Government for redress of grievances are predicated solely upon the proposition that only the Congress may make Federal laws. If the Supreme Court can make laws or if the President can make laws or if you can make laws for me or if I can make laws for you, there is no Bill of Rights, no Constitution, and no Republic, and all we have is a government of flesh, which is the very definition of a despotism.

Vattel's first maxim of interpretation is that "it is not allowable to interpret what has no need of interpretation. * * * To go elsewhere in search of conjectures, in order to restrict or extend it, is but an attempt to elude it." [14] The meaning is in the letter and plain words of our Constitution. The Constitution means exactly what it says.

Thirty-five years ago, the eminent historian of the Supreme Court, Charles Warren, wrote:

"However the Court may interpret the provisions of the Constitution, it is still the Constitution which is the law and not the decision of the Court." [15]

One hundred years before, Chief Justice Marshall said: "Courts are the mere instruments of the law, and can will nothing." [16]

The fifth amendment, with its due process clause, was adopted December 15, 1791. While it was binding upon the Federal Government only, it was never thought to forbid slavery in the District of Columbia or elsewhere. It took the 13th amendment to abolish chattel slavery in the District of Columbia as well as in the several States. On May 17, 1954, in *Bolling* v. *Sharpe*,[17] the Supreme Court held that the same due process clause of the same fifth amendment that did not forbid ownership of Negro slaves by white people in 1864, now requires that the children of the whites go to school with the children of the slaves. If separation of races in the schools of the District of Columbia was legal in 1791 and in 1865 and on May 16, 1954, and unconstitutional on May 17, 1954, what happened to change the law? If the law of the land was changed, then the Supreme Court has amended the Constitution and made a law in a manner forbidden by the Constitution.

The 14th amendment was adopted in 1868. It contains the same due process clause as the fifth amendment, as well as a clause providing for equal protection of the laws, both applicable to the States—not to persons. From 1868 until May 17, 1954, the Supreme Court held repeatedly that neither the due process clause nor the equal protection clause of the 14th amendment forbade the States to maintain separation of races in schools and elsewhere.

We hear much of *Plessy* v. *Ferguson*,[18] which was decided in 1896, holding that segregation of races is constitutional. We also hear from the apologists for the present Court that it was not by a unanimous bench of the Supreme Court. In *Gong Lum* v. *Rice*,[19] decided in 1927, the unanimous Court decided that neither due process nor equal protection are infringed by the separation of races enforced by law. That bench was composed of Chief Justice Taft and Justices Holmes, Brandeis, Stone, Van Devanter, McReynolds, Sutherland, Butler, and Sanford. If integration of races is now "the law of the land," the Supreme Court usurped the power to make it in a manner forbidden by the Constitution.

When the 14th amendment was under discussion before the Congress, those with level heads and a smattering of historical knowledge foresaw the day when some new Jeffries or Scroggs or Strafford might come along and use that amendment as an excuse to establish a judicial despotism in America. That was one reason why the last clause was added to that amendment. It reads:

"The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

That clause is just as constitutional as any other clause. It left nothing to chance, caprice or Warren. Why did the Supreme Court usurp from the people the power to change that amendment and from the Congress the power to enforce it? The Court blandly held that on all vital constitutional issues we must now look to modern authority—modern authority, moreover, which prophetically advocates the abandonment of our Constitution as "impractical and ill-suited for modern conditions." [20]

Like the infamous Lord Bute, Prime Minister under George III before the American Revolution, the Supreme Court has found that "the forms of a free and the ends of an arbitrary government are things not altogether incompatible."

Someone has said: "A people indifferent to its past will not long retain the capacity to achieve an honored history."

Charles I is a part of the past of our people. We are prone to think of him as a far-off king of a faraway country. We forget that he was America's King from 1625 until he was executed on January 30, 1649. No ruler in American history, or in the history of any people, by example or otherwise, influenced the making of our constitutions as much as did Charles I.

When the Long Parliament resolved to bring Charles I to trial on January 4, 1649, it declared that "the people under God are the original of all just powers." [21] The principal count in his indictment, returned on January 20,[22] was repeated 7 days later in his death sentence. Gruesome as it is, it should inspire awe and hence fit this time and place in American history. Here is a part:

"That he, the said Charles Stuart * * * being trusted with a limited power to govern by, and according to the law of the land, and not otherwise; and by his trust, oath, and office, being obliged to use the power committed to him for the good and benefit of the people, and for the preservation of their rights * * * out of a wicked design to erect and uphold in himself an unlimited and tyrannical power to rule according to his will, and to overthrow the rights and liberties of the people, and to take away and void the foundations thereof, and of all redress and remedy of misgovernment, which by the fundamental constitutions of this kingdom were reserved on the people's behalf in the right and power of frequent and successive parliaments, * * * he * * * levied wars against the present Parliament and the people therein represented. * * * For all which treasons and crimes this court doth adjudge that he, the said Charles Stuart, as a tyrant, traitor, murderer, and public enemy to the good people of this nation, shall be put to death by the severing of his head from his body." [23]

Sic semper tyrannis.[24]

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[13] 16 Pet. (U. S.) 1, 18 (1842).

[14] Vattel, Law of Nations, 244.

[15] Warren, the Supreme Court in United States History, 748 (1922).

[16] *Osborn* v. *Bank of the United States* (Wheat. (U. S.) 738, 866 (1824)).

[17] 347 U. S. 497 (1954).

[18] 163 U. S. 537 (1896).

[19] 275 U. S. 78 (1927).

[20] Myrdal, An American Dilemma 12 (1944), cited in *Brown* v. *Board of Education* (347 U. S. 483, 494 n. 11 (1954)).

[21] 7 Rushworth, Historical Collections 1383 (1721).

[22] Ibid., at 1396.

[23] Ibid., at 1418–1419.

[24] Motto of Virginia, adopted October 1779; translated: "Thus be it ever with tyrants."

TAX CUTS OR TAX FRAUD?

Mr. BUSH. Mr. President, day by day we hear discussions of a possible tax cut. Certainly all Americans would welcome an honest tax cut, one which would not rob them of the sound value of their savings and income. Fortunately, one can sense in the last 2 or 3 weeks a more cautious approach to this question, because more thoughtful people are realizing the grave danger that would accompany a substantial reduction in Government income at the very time we are substantially increasing our expenses.

In an editorial dated May 5, the Wall Street Journal deals with this problem under the heading "Tax Cuts or Tax Fraud." It points out that plunging our Government into a deficit which might approximate $12 billion or even $15 billion would likely have such a serious inflationary effect as to completely destroy any usefulness of a tax cut.

I believe many persons who earlier this year were loudly calling for a tax cut now realize that a cut of, say, $5 billion would likely not have very much effect upon the economy of a people whose annual income is measured at about $350 billion, and whose gross national product is measured at $434 billion.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as part of my remarks, the editorial from the Wall Street Journal of May 5. I trust that the Congress will not insist upon perpetrating a tax fraud upon the people of the United States.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal of May 5, 1958]

TAX CUTS OR TAX FRAUD?

All this talk of a tax cut, it seems to us, is bound to put all reflective minds in a cruel dilemma.

It is undisputable that the present tax load upon the American people is far too

high. Fully one-third of the whole economic effort of the people is consumed by the Federal, State, and local governments. A vast proportion of this is plainly sheer waste; that is, it goes to support governmental activities having nothing to do with the essential national defense or with the real welfare of the people.

It seems to us also indisputable that this weight is economically oppressive. There is much talk today of a recession, and one need only reflect on what the people could buy and enjoy for themselves if they had even a small part of these taxes to put to their own use. Beyond this immediate effect, although perhaps not so obvious to everyone, the weight of this tax load is a drag upon the future. Every dollar Government consumes now for nonproductive purposes is a dollar subtracted from the future economic strength of the country.

Nor is the weight of the tax burden the whole of the matter. Its structure is a jerry-built, mish-mash that distributes the burden inequitably and unwisely. The excise taxes are a crazy quilt; the design is not only senseless but is an actual penalty on many lines of business and many consumers. The rules for amortizing capital investment result in a distortion of investment and, coupled with inflation, sometimes amount to a hidden capital levy.

The method of levying direct taxes upon individuals is, if anything, worse. This is not altogether a matter of the inconsistencies, injustices, and complications in the law, although these abound. The steeply graduated income tax is fundamentally unjust because it multiplies the penalties upon the citizen the harder he works, the more he produces and the more he earns. It is economically unsound because it takes its biggest bite out of the future—the savings which must provide the capital tomorrow for a growing America.

So plainly, tax reform which would both reduce and redesign the tax structure is more than overdue. The words "tax cut" which now echo in the corridors of the Capitol are thus bound to have an appeal to the mind as well as the emotions.

And yet few of these politicians are talking about tax reform. They are talking about tax gimmicks. Some excise taxes, so we are told, must be cut on certain products just to help boost sales of these particular products; this is not reform but more political inequity. The plan is not to revamp plant amortization rates to make economic sense for all; it is to give temporary fast writeoffs in certain areas somebody thinks needs a little stimulation.

Some of these gimmicks are blatantly so. We have heard proposals to forgive a month's taxes or more, to have a 1 year's increase in the tax exemption, or otherwise to juggle the rates just to put a few more dollars briefly in people's pockets in the hope they might spend them fast. It would make as much sense for Congress just to pass a law and pass out $40 to everybody out of the Treasury.

This, by itself, is enough to put the stamp of fraud on most of the current tax-cut talk. But there is something else that makes it a dangerous fraud.

The simple fact is that the Government is now running a deficit of more than $3 billion. There is no plan whatever to reduce the Government's spending. Rather it is being increased, again under the guise of helping us out of this recession. And with this increased spending, the so-called tax cuts would increase this deficit many billions more. Some politicians have talked blithely of a $12 billion to $15 billion deficit each year.

And on this we had best not kid ourselves. If this is what a tax cut means it means no tax cut at all. It simply means that for the political effect of 40 pieces of silver for the taxpayers to jangle in their pockets they will pay many times over not merely in future taxes but in the theft from all values.

For it is a harsh fact, an unhappy fact, a discouraging fact, but a fact nonetheless that the Government has no way of creating the real money to pay for this tax cut it would bless us with. It can give the people dollar bills all right but in the end it must carve them out of the people's hides.

This newspaper has been a constant pleader for tax reform and tax cuts. So it may seem strange now when some politician talks of cutting taxes, or of making some adjustment in a structure we have long complained of, that we should not rush to it eagerly.

Well, we plead no less than before. We are still convinced that the size of the tax burden upon the people, and the way in which it is levied, does the country an injury that is no less grievous because its effects are hidden and slow. But we are also convinced that the tax burden cannot be removed until people are aroused enough to throw off some of the weight of Government spending which makes that burden so oppressive.

The people cannot have it both ways. We would welcome tax reforms and tax reductions. We can hardly welcome tax frauds.

UNITED STATES POLICIES AND PROGRAMS IN THE FAR EAST—STATEMENT BY ASSISTANT SECRETARY OF STATE ROBERTSON

Mr. SMITH of New Jersey. Mr. President, on Friday, May 2, the Assistant Secretary of State for Far Eastern Affairs, the Honorable Walter S. Robertson, delivered before the Foreign Relations Committee an outstanding statement on our Far Eastern military-assistance and economic-aid programs.

Secretary Robertson's remarks are such a valuable contribution to the coming debate on the mutual-security bill that, although they will eventually appear in the hearings of the foreign-policy study being conducted by the Foreign Relations Committee, I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks today.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Without objection, it is so ordered.

(See exhibit A.)

Mr. SMITH of New Jersey. Mr. President, the Assistant Secretary of State has presented a realistic picture of conditions in the Far East. Certainly, he admits, "the Far East today is obviously not all we would like to see. We are deeply concerned over certain developments such as those transpiring right now in Indonesia. But the general picture in the Far East today," he asserts, "represents a vast improvement over that obtaining 4 to 8 years ago."

The basic reason for this progress, he declares, has been the aid we have extended under the mutual-security program, backed up by trade opportunities under the Reciprocal Trade Act. Our military assistance has buttressed, in the interests of security and stability, the defensive contingents of our Far Eastern allies. Our economic aid, including technical assistance and capital help, constitutes the constructive part of our program, and is designed to assist the development of those nations, by enabling them to help themselves to stand more firmly on their own feet. In the interests of program efficiency, loans are replacing grants, where capital aid is concerned.

Our programs have pressured the Communists into giving up, for the moment, the use of force in the Far East; and we have strengthened the free nations in their struggle to remain independent.

This has been our epic in the Far East, Mr. President. This has been our effort and our triumph. The situation is still precarious, but we are winning.

Commonsense tells us that we must persevere with determination and patience, for if we cripple the mutual-security and reciprocal-trade programs now, "No one except the Communists would rejoice," declares Secretary Robertson, "for they stand poised and eager to step in when and where we step out."

MAY 2, 1958.

EXHIBIT A

STATEMENT BY THE HONORABLE WALTER S. ROBERTSON, ASSISTANT SECRETARY OF STATE FOR FAR EASTERN AFFAIRS, BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, ON UNITED STATES POLICIES AND PROGRAMS IN THE FAR EAST

I wish to thank you for the opportunity to appear before this committee today to discuss our policies and problems in the Far East. Being well aware of the wide knowledge and understanding which members of this committee have of the area, I propose to confine my opening remarks to a general evaluation of where I think we stand in the Far East. By the term Far East, I mean that vast land and ocean area extending from Siberia all the way to the South Pacific and Indian Ocean, including Japan, Korea, China, the Philippines, Vietnam, Laos, Cambodia, Thailand, Burma, Malaya, Indonesia, Australia, and New Zealand. In this area live approximately 900 million people—one-third the population of the world.

It was only a few years ago that international communism, having acquired a huge central base of operations in Asia by overrunning the mainland of China, was carrying aggression directly against certain small free nations along or near its borders. Force, bluster, and naked threats were used by Communist China from 1949 to 1954 in a wide variety of military or paramilitary situations involving almost all free countries along its borders. We fought a bloody war to stem Communist aggression against the Republic of Korea. We helped shore up the defenses of Free China on Taiwan. We helped build up the military strength of free nations in Southeast Asia. For 4 years now the Communists have been deterred from outright military aggression.

But the Communists are masters of tactical flexibility. Recognizing that strong-arm tactics were being effectively opposed by the Free World and recognizing the success of our aid programs, the Communists have increasingly placed their accent since 1954 on so-called peaceful coexistence. You are all familiar with the hallmarks of this present coexistence campaign—good-will tours, offers of economic aid and technical assistance, trade fairs, cultural and sporting events—everything designed to conjure up a picture before the world of a friendly Soviet Union and of a Communist China wholly innocent of any designs on their smaller neighbors.

The purpose of this campaign is clear. It is aimed at inducing neutralism, weakening our alliances, and lowering the guard of those opposing Communist expansion. Meanwhile the Communists make no effort to hide their hatred of the United States.

Everywhere they are seeking to stimulate anti-United States feeling in Asia and mobilize opinion against the country which the Communists correctly recognize as being the chief prop and support of the Free World.

In all these undertakings, two facts stand out. One is that there is no evidence that Peiping and Moscow, whose military power is being steadily expanded, have discarded force as a means for gaining their goals. Communist resort to force is a decided possibility whenever and wherever, in Communist thinking, Free World countries are unprepared or unwilling to resist that force. The other outstanding fact is that there is no evidence of change in communism's declared objective of ultimate world domination. It is of the utmost importance that the Free World not be misled, by failing to understand this, into making basic policy concessions to the Communists in response to tactical maneuvers on their part.

There are a number of features about the free Far East which make it susceptible to Communist penetration. For example, most of the Far Eastern countries, having only won their independence since 1945, have had limited experience in self-government. Some of them, like Indonesia and Laos, are still grappling with grave problems connected with preserving that newly won independence. Their recent colonial past has also left a legacy of intense anti-colonialism and nationalism. While this may be advantageous in the sense that it operates against at least the more obvious forms of Communist encroachment upon these free countries, it is disadvantageous to the extent it obstructs regional and inter-regional cooperation and complicates economic development. Perhaps a more serious point of susceptibility to communism is occasioned by the fact that in the short space of 40 years the Soviet Union has been transformed from a backward agrarian country into an industrial and scientific giant. To peoples of less-developed nations seeking order, rapid growth, and industrialization, the examples of Russia and even of Communist China are not without appeal, provided one overlooks the great sacrifices in life and human values involved in Russia's and Communist China's industrial advancement. The Communists also exploit all the antipathies existing between various free Far Eastern countries and take advantage of the difficulties these countries have in finding adequate markets for their goods and capital for development.

Yet, for all these dissensions and susceptibilities, the non-Communist countries of the Far East have this key objective in common: They are trying to remain free—and this is basically where their aims and interests conjoin with ours. Like us, they have the basic national objectives of national independence, human liberty, better conditions of life, and, last but not least, peace—genuine peace. It is for this reason that these nations, even though half a world away from the United States and lying under the very shadow of the Communist empire, look to the United States for leadership and support.

For our part, we recognize that the survival and progress of each and every one of these countries in the Free World is of direct consequence to our own national security. It is acccordingly the policy of the United States to help build up conditions of security, stability and economic progress in free Asia as rapidly as possible. Our overall policies may accordingly be summarized under two main headings: (1) Security and stability, and (2) improvement of conditions of life.

1. Security and stability: We have joined in security treaties which make clear that attacks or encroachments on free nations of Asia would be considered as endangering our own peace and safety and that we and they would act in the common defense. Together we have backed up these commitments with military power, which is the only language would-be aggressors understand. The free nations of the Far East now have more than one and three-quarters million men under arms. These forces, together with United States forces widely deployed across the Pacific, constitute the principal deterrent to aggression. They are essential to maintaining the peace.

Under the mutual defense assistance program the United States is currently providing around $650 million per year in military assistance to Far Eastern countries—that is, in supplying hardware and training—and almost an equal amount for defense support. This defense support bolsters the economy, helps control inflation and helps pay for the armies which certain small countries with weak economies could not otherwise afford. The bulk of this category of assistance goes to our hard-pressed allies in Korea, Taiwan, and Vietnam, for it must be remembered that it is against these areas that Communist China and its satellites pose their most direct military threat. Moreover these three countries—Korea, China, and Vietnam—being divided, one part free and the other Communist-dominated, are necessarily areas of direct challenge.

At the same time we are assisting free nations, whether allied or neutral, in achieving internal security and greater economic and political stability. Certainly there can be no real progress in satisfying mankind's aspirations for improved standards of living without first creating such conditions. I therefore trust the United States will continue to support the development of adequate local security and police forces, in providing them with equipment and training, and in supporting the economies of countries which must maintain security forces beyond their economic capacity to support.

2. Improvement of conditions of life: Behind the common defense shield that is thus being built up, and in the atmosphere of security and stability we are helping to create, all the free nations of Asia can today breathe more easily. They can turn their attention to the essential task of improving conditions of human existence, which they all recognize to be their number one long-term objective.

We thoroughly sympathize with this objective and are supporting it in the following ways:

We offer technical know-how, make grants and loans for development projects, sell our agricultural food surpluses for local currency and then reloan much of this money on a long-term basis. We exchange teachers and students and train scientists and technicians. We encourage private investment by American industry, and by the industries of other advanced Free World countries. We also endeavor to maximize the level of Free World trade through the promotion of liberal trade policies and the maintenance of a high level of economic activity.

Even if the Sino-Soviet bloc had not launched an economic offensive designed to subvert free Asia, I believe it would still be the policy of our Government to assist less developed countries in attaining economic health and growth, for, in this inter-dependent shrinking world, their economic welfare and ours are clearly related. The Communist economic offensive only makes our efforts in this field the more urgent. Moreover—to paraphrase President Eisenhower's recent message to Congress—if the purpose of Sino-Soviet aid to any nation were simply to help it overcome economic difficulties without infringing its freedom, such aid would be a welcome means of forwarding our own purpose of facilitating economic growth. Yet, as the President went on to say, there is nothing in the history of international communism to indicate this Soviet bloc aid is anything but another Communist means of trying to draw recipient countries away from the community of free nations and ultimately into the Communist orbit.

To counter this Sino-Soviet economic offensive while maintaining an adequate military posture vis-a-vis the bloc, we must have an adequate and effective mutual security program. This program is the backbone of our security position in the Far East. A number of countries are critically dependent upon United States assistance programs for military hardware, training, defense budget support and the like. It is quite understandable that these countries, as well as other free Far Eastern countries, are highly sensitive to any indication that the United States might lose interest in them by reducing its assistance programs or commitments to help them. No one except the Communists would rejoice were this to happen, for they stand poised and eager to step in when and where we step out.

Now I know that there is criticism regarding various features of our mutual assistance program. Some of this criticism I believe is entirely valid insofar as it points to things that we could and should correct. This we are striving to do. But we must nevertheless recognize that there are almost bound to be shortcomings and failings in an assistance program of this dimension. Our problem is to preserve patience and perspective, while doing everything at our command to keep the program as trim and efficient as possible in terms of our overall objectives. Surely it would be contrary to our interests to make serious cuts in our mutual-assistance program on the basis of those instances where there was or is inefficiency or where we appear to get less than face value for our money. Let us not forget that imitation is the sincerest form of flattery: The Communist economic offensive is a real tribute to the effectiveness of our aid programs.

Closely related to this question is the problem of our trade policy. Rather than speak in generalities, let me cite the specific case of Japan. Here is a country of greatest consequence to the United States. Commercially, it is our second largest market, purchasing in 1957 some $625 million more of United States goods from the United States than we bought from Japan. Strategically, it is one of the world's four major industrial complexes. Politically, it is a leader in Asia and is playing an increasingly important role in the economic advancement of free Asia. Our relations with Japan today are good and of great mutual benefit, but let us be under no illusions: Japan must trade to live. If the United States starts down the path of increased trade restrictions, then other countries will follow suit, and all this will have deep and far-reaching consequences. Having Japan's huge industrial-mercantile complex humming for Sino-Soviet account is something the Communists dearly seek. It would cause a significant, quite possibly a disastrous, shift in the world's power balance, and the secondary effects on the rest of Asia are not hard to imagine. This illustrates why it is so important that we take no step—such as failure to renew the Trade Agreements Act—which would be interpreted as a United States move away from liberal trade policy toward high protectionism.

And now for a few concluding remarks on where we stand in the Far East.

The best way to judge the merits of a policy is by its results. For 8 years now since the start of the Korean war, the United States has played an active role in the military, political and economic support of free countries in the Far East. What has been accomplished in that period?

The Far East in 1950 was a discouraging sight to all except the Communists who had just taken over the China mainland and were poised for further conquest. Korea

was attacked in June 1950 and for a long time during that critical year it was touch-and-go whether Korea could be saved from the massed organized Communist onslaught. Later in 1950, the Red Chinese invaded and occupied Tibet. Malaya and the Philippines were terrorized by elusive Communist groups operating out of the jungles; Indonesia had just suppressed a military coup sponsored by the Communists and was still fighting a guerrilla war. There was civil war, accompanied by alarming deterioration, in Indochina and Burma.

The Far East today is obviously not all that we would like to see. We are deeply concerned over certain developments such as those transpiring right now in Indonesia. But the general picture in the Far East today represents a vast improvement over that obtaining 4 to 8 years ago. Korea has made steady progress in rebuilding its war-shattered economy, combating inflation and getting ahead with economic development, while at the same time maintaining a large military establishment that has helped preserve the uneasy truce situation and the security of the Far East area as a whole. Japan has returned to the international community as a nation with a free economy equipped and prepared to contribute in a significant way to the economic growth of free Asia. The Republic of China remains a firm and effective ally and a standing challenge to the attempts of Communist China to fasten permanently its rule on the Chinese people. The recent Philippine elections supplied further evidence of that nation's strong democratic political institutions. While there have been some disturbing developments in Laos, as in connection with the formation last year of a coalition government with Communist participation, nevertheless the Royal Government has meanwhile recovered control of two provinces long denied to it by the Viet Minh and Chinese Communist support of the Pathet Lao. It is also noteworthy that Indochina and mainland Southeast Asia as a whole have developed a better capacity to maintain internal security and a far better understanding of the many-faceted Communist threat and a capability to withstand that threat. Today, neutrality rather than neutralism characterizes the foreign-policy position of certain nonallied Southeast Asian countries.

Over the past 10 years, Australia and New Zealand have played an increasingly useful and constructive role in Far East affairs. SEATO is a good going organization with headquarters in Thailand. I agree with Secretary Dulles that the recent SEATO meeting we attended at Manila was the best we ever had and augurs well for the future of that important organization.

I repeat that I do not wish to leave the impression that all is well in the Far East today. Our alliances could be stronger, our MSA program could be more effective; the relations between some of our friends are in urgent need of improvement; the Communist economic offensive could have serious results; and the Indonesian situation is far from reassuring. But I do believe there has been a turning of the tide in the Far East. This turn of the tide was the result of a lot of hard work and determination on the part of free nations under the leadership of the United States.

Persistence in our efforts will bring its rewards. Relaxation of our efforts will be at our peril.

OPPOSITION TO STATUS QUO OF REGULATORY AGENCIES—ADDRESS BY ANTHONY LEWIS

Mr. PROXMIRE. Mr. President, Mr. Anthony Lewis, who is one of the finest newspaper reporters in the Capitol, and who serves on the staff of the New York Times, addressed the Federal Trial Examiners Conference, on April 29, on the shocking failures and shortcomings of America's regulatory agencies.

Mr. Lewis is a responsible, careful reporter who has had a remarkable opportunity to judge regulatory agencies, through his assignments for the New York Times.

His speech is a bill of particulars against the status quo of our regulatory agencies. It is documented. It is authoritative.

Mr. Lewis is not satisfied with a convincing indictment. He has assumed the difficult task of making constructive suggestions to improve the regulatory process.

Mr. President, this clear-eyed, persuasive statement will convince any Senator who takes the time to read it, that it is time for Congress to act: To conduct the thorough-going investigation of our regulatory agencies that has been suggested by the distinguished senior Senator from Oregon [Mr. MORSE].

Mr. President, I ask unanimous consent that the speech be printed in the RECORD at this point, following my remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY ANTHONY LEWIS TO THE FEDERAL TRIAL EXAMINERS CONFERENCE ON APRIL 29, 1958

My assumption is that you asked me here tonight to hear not pleasantries but some unpleasant truths. I am diffident about making this talk because I have no claim to any special knowledge about the administrative process. I am entirely lacking in expertise. The one thing I have done in the last few months is to talk to large numbers of lawyers who practice regularly before your agencies. I have been astonished to get from those lawyers an almost universally adverse judgment on the working of the administrative process. They are discouraged; I would even say bitter. And that goes regardless of party or position. Some men who came up through the agencies, whose every instinct would be to defend the administrative process, have turned strongly against it.

None of this is news to you. It would be hard to avoid realizing that there has been a significant loss of confidence in the regulatory agencies. Nothing has illustrated this more sharply, I think, than the recent order of the court of appeals here sending the Miami Channel 10 case back to the Communications Commission for a hearing on charges of improper influence. The Commission had suggested a remand with instructions simply to do whatever seemed appropriate. The court, in what seemed to me a most unusual order, told the Commission exactly what issues to investigate, what kind of hearing to hold, when to report back—practically everything except what room to have the hearing in. And then the court ordered that the Attorney General be invited into the proceeding as an amicus, presumably to keep an eye on the Commission. In my view that order plainly implies a lack of confidence in the Commission. And I think it is an indication of the trend of feeling among some judges and, as I say, among a great many lawyers.

What are the reasons for this loss of confidence in the administrative process? I remind you again that I do not speak with the kind of intimate knowledge that an audience of trial examiners has. I necessarily approach the problem from the outside, as newspapers always do, giving surface impressions. Forgive me for any unfairness as I list some of the criticisms that are being made of the agencies.

First, there is, of course, the charge of improper approaches by parties and Members of Congress in adjudicatory matters. Mr. OREN HARRIS' Congressional investigation has at least laid bare the existence of this evil. Putting aside the sad case of Mr. Mack, I myself was fascinated by the testimony of a former Communications Commission Chairman who said he was approached by various parties to a Boston television case. They didn't want to influence him or do anything wrong, this gentleman testified, they just wanted to tell him what fine fellows they were.

I think some of us have tended to become cynical about this business of ex parte representation, coming to believe it is an inevitable evil that just has to be lived with. It was a tonic in that regard to hear the oral argument in the court of appeals on the Miami case. The court was genuinely outraged at the whole idea of parties and Congressmen speaking privately to Commissioners in an adjudicatory proceeding. Some might regard the judges' tardy discovery of corruption as naive, but I found it a welcome expression of moral indignation.

Beyond the question of overt corruption there is what may be a more serious charge—that the final judges in the administrative process often have their minds made up before they consider the case. As one lawyer put it to me, "They don't need to be bought. They know the result they want to reach on almost any issue, and everyone else knows it, too." Of course that is an exaggerated statement, but there seems to be enough to it to worry a lot of people. Nothing gives a lawyer a sense of greater futility, I should think, than arguing to deaf ears. I watch oral argument quite regularly in the Supreme Court, and it is a fascinating process. We all know that the members of the Court have points of view—some of them very well established indeed. Yet, more often than not, I believe the oral argument of a case affects the result. The Justices appear open to persuasion; they want information and help from counsel. The complaint from some lawyers who practice before the regulatory agencies is that they are just going through the motions. One example that I must say bothers me is what happens to comparative television cases after the court of appeals reverses a decision of the Communications Commission. In two recent cases the court in quite strong language indicated that there seemed to be no rational way to apply the rules and come out the way the Commission had. On remand, the Commission voted exactly the same way—and I gather none of the lawyers had any particular hopes to the contrary. In no case has a television station actually on the air ever lost its license as a result of a court decision. The law of averages alone would suggest to me that a disinterested Commission, not deciding on the basis of previous commitments, would occasionally change its mind.

This allegation of the closed mind is related to another complaint—against the process of decision itself. You are familiar with these criticisms. They go essentially to the fact that those who decide the issues eventually are too remote from what should be the decisionmaking processes of trial and evaluation of the evidence. The parties try out their case before the hearing examiner. The issues are threshed out at length and a record built up. But then the final decision is made—the charge is—by men who have not read the record. And the failure of the judges to write their own opinions is even more bitterly criticized. As the critics see it, we have here a body which takes no responsibility to know the facts in a case or

to justify the rationale of the result. The critics would say that reduces the role of the commissioners or board members to nodding their heads—and with that separation of the judges from the process they lose the personal identification and responsibility that are the only real check on arbitrary decisions.

These are the most frequently heard criticisms of the administrative process. But there are two others of a broader character that must also be considered, I think.

The first amounts to a charge that too many agencies are just plain stodgy. After all, the men who had the great dreams about the administrative process saw it as a new, creative tool of government—flexible, ready to attack new problems, not held back by encrustations of tradition, really able to deal with the multiple difficulties of an industrialized society. With that ideal contrast what Prof. Samuel Huntington of Harvard had to say recently about the Interstate Commerce Commission:

"The Commission has * * * become a defender of the status quo. To this end it has maintained an outdated, formalistic type of procedure. It has been slow to introduce the most simple and accepted new techniques of modern management. * * * It has been slow to recognize and deal with obvious evils."

There are many examples of the lack of creative thinking in the administrative agencies. To remain with the ICC for a moment, surely the most serious problem facing the railroads for many years has been the decline in passenger revenue. And yet, as I understand it, the ICC has never even developed an effective and accurate accounting method to show the real cost of passenger traffic. Over at the Communications Commission, we have seen inept handling of the problem of channel allocations. One mixup years ago almost put frequency modulation permanently out of business. More recently, and even more importantly, we have seen the failure of the Commission over many years to allocate VHF and UHF television channels in such a way as to encourage more economically viable stations. I do not say the problems are simple. What problems of government are simple? I say only that there have been few signs of creative thinking toward their solution. Instead, the critics see administrative agencies that plod along, doing routine tasks in a routine way, bound by fictions and habits as hampering as those of the courts and apparently incapable of taking the bold action of a legislative character that the philosophers of the administrative process envisaged.

Which brings me to the last of these indictments. This is the charge that the agencies have become too identified with the industries they are supposed to regulate, so that the regulated have become regulators. It is said that board members, appointed only for a term of years, must inevitably look to the regulated industry for their future. If the member wants to be reappointed, he will almost certainly need the support of the industry. If he is not reappointed, his professional future almost certainly lies with that same industry. And so, the theory is, a kind of unspoken accommodation of views takes place.

I myself believe there is a good deal to this last charge—the identification of an agency with its industry—but I would not place it only on the personal need of commissioners for industry approval. That seems too simplified an explanation. I think the trouble is that in most cases a regulatory agency has responsibility for a particular, narrow segment of the economy. The board member has to mingle with leaders of the industry and get to know it. In such a situation anyone would tend to concern himself more and more with the special problems of the particular field, letting the broader concept of public interest slip into the background, not seeing the forest for the trees. The antitrust problem is a good example. Again and again the Justice Department finds itself at odds with the regulatory agencies about antitrust enforcement. The Maritime Board rejects antitrust considerations which seem important to the Justice Department in rate matters. The Communications Commission "loses" a letter from the Department objecting to a station transfer on antitrust grounds. The Power Commission disagrees with Justice about whether some pipeline amalgamation should be allowed. Over and over, the agency seems to be taking the view that it must protect its own industries against too stringent an application of the antitrust laws.

Now that I have given you this rather diffuse list of criticisms, let me discuss rather briefly a few reasons that may underlie the faults which are being found in the administrative agencies. At the start let me exclude political reasons. Some people say the problems are the result of one administration or another. Others say the problems have been there without regard to political considerations. I just do not know enough about the matter to venture political judgments.

One underlying reason I would suggest is that the agencies have aged without acquiring the usual accoutrements of age—respect, and wise traditions. The demerits of age—the delays and cautions of the courts—now do seem to be part of the administrative process. But where is the sense of tradition and pride that glorifies the courts? In part this failing can be traced to a lack of respect for the jobs themselves—a lack of sufficient prestige. If we have had some small men in administrative agencies, it is perhaps because those who have made the nominations regarded them as small plums. I think there is something wrong with asking a man here from the Middle West as a possible candidate for a commission whose work he knows—and then, when that vacancy turns out to be filled, fobbing him off to another agency about which he knows nothing. I think there is something wrong when we can have as chairman of an agency a man who goes around at social gatherings trying to set himself up in law partnership with men upon whose cases he is presently passing. As Prof. Louis Jaffe and others have pointed out, it is inconceivable that any judge would allow parties to a case to come in and tell him what fine fellows they are.

And along with this lack of pride and tradition is a lack of personal pride in one's own craftsmanship. A judge is an independent force. His opinions bear his name. He builds up a body of cases with his stamp. No office of opinions and review does his work for him. He is a figure in his own right. In the administrative agencies, I would guess, the lack of personal identification of board members with the process of decision underlies many of the procedural shortcomings.

So far I have been talking about the sins of the agencies. But I think it is of basic importance to recognize that they are not the only sinners. My own feeling is that a large proportion of the blame can be apportioned to Congress. Certainly the example set by Congress in recent years is no guide to the way the administrative process should work. To begin at the bottom, venality has not been a stranger at the Capitol. Why should the agencies be above deciding issues by preconceptions when Senators are not ashamed to take a leading part in matters in which they have a personal economic interest? Why should the agencies be expected to act swiftly and creatively on new problems when Congress is so hampered by inertia? What can impel the Communications Commission to try to deal rationally with the problem of pay television when a committee of Congress summarily orders it to forget years of hearings and not even hold a test? Nor is the executive branch immune to criticism for lack of vigorous, creative leadership.

Perhaps the underlying reason for our governmental failures is a decay in our political life. Louis M. Lyons, curator of the Nieman Foundation at Harvard University, spoke with accuracy last week of "the drabness of our contemporary public life." Many observers have recognized that we are living in an era when the people just don't seem to care. If we have an uncreative Government, surely it is because we have voters who are not interested in new ideas. It has been suggested that the reason for all this is that we have conquered the social problems that moved us to action in the past. The robber barons have been routed, it is said, and thus the zest has gone out of regulatory agencies. People are prosperous, and so the need for social reform has gone.

Prosperity may be a damper on political ferment. But I can only scoff at the suggestion—even speaking only of domestic affairs—that there are no more really challenging problems to solve. Take just one matter, the future of our cities. In the postwar period we have seen suburban growth sprawl over the landscape without regard to the most elementary planning concepts. The centers of our major cities are decaying. Transportation is a frightening problem. More and more highways are built to attract more and more cars that should be kept entirely outside downtown areas. As suburbs advance, no provision is made for open spaces—the parks, the streams, the recreational areas that make urban life bearable. Where are the Government programs to attack these problems? Just recently we have had an example of the shortsighted performance of Government these days. The decline of railroad passenger traffic has been, as I have said, a continuing phenomenon. Even more important than its effect on railroad revenues is its effect on our cities. Every planner tells us that we must have rapid transit and commuter service if we are to help urban traffic problems at all. Yet one proposal pressed upon us to help the railroads is to give them more freedom to abandon passenger traffic. We do not have the vision to see the further problems that "solution" will bring—and to find a more permanent answer instead.

I have probably wandered from my subject. Let me return now to the administrative agencies and mention some cures that have been suggested for their alleged ills.

The first, about which we have heard a good deal, is that Congress or the agencies themselves should promulgate a code of ethics. This, it is said, would eliminate influence peddling. Well, I am somewhat cynical about this proposal. Of course, it is fine to be on the side of morality. But no one should be fooled into thinking that a command to be honest is going to correct all the deficiencies of the administrative process. These deficiencies, as I have tried to indicate, go very much deeper than overt corruption. And I, myself, should think that the appointment of strong-minded commissioners would be a much surer guaranty of disinterested decisions than any code of ethics.

Some have suggested that members of the agencies be appointed for life, like judges. The idea would be: make them independent of pressures from industry and Congress—the unspoken as well as open pressures. But this idea seems to me to deprive the administrative process of one of the major reasons for its existence—the constant influx of new men and new ideas to meet new problems. I, for one, am not ready to entrust lifetime appointees with such rapidly changing problems as gas regulation or television techniques. Or, I should amend that to say that if appointments are to be for life, I see no reason not to go the whole way and turn the whole business over to the courts.

That is the third suggestion we hear—let the courts take over. Somewhat strangely, this proposal has support from two entirely different schools. There are some who never did trust the idea of administrative agencies and who prefer the more familiar atmosphere of the courts. There are others, veterans of the agencies themselves, who have become so discouraged with what they regard as an irrational, unresponsive process of decision that they would go for the radical cure of letting the courts handle at least the so-called adjudicatory aspects of agency business. Some persons have proposed a general administrative court. Others would give the regular Federal courts jurisdiction.

I am not enough of an expert to discuss with you people the very complicated pros and cons of these court proposals. But I have my doubts. Perhaps the very word "court" brings with it some tradition of disinterestedness, and to that extent it might be valuable to give the name of court to one or more agencies. But the difficulty is in knowing how to divide adjudicatory from legislative functions. At present, for example, it is regarded as adjudicatory for the Communications Commission to choose between competing applicants for a television channel. But it is legislative when the Commission removes that channel from one city and assigns it to another. Even if you could draw the line sharply, who is to carry on the agencies' policymaking activities after the supposedly judicial aspects have been assigned somewhere else? Some observers feel that these policy functions should be given right back to the executive branch—that the Commerce Department, for example, should make television channel allocations. But I am not at all sure that the already existing pressures would not then become overwhelming.

The one aspect of the court proposal that appeals to me is the idea of one governmental body concerning itself with many different industries and different problems. I do subscribe to the charge that expertise—concentration on 1 industry, 1 set of problems—has been damaging to the administrative process. I think it has made many agencies tend to identify with the regulated industry, to forget the broader concepts of public interest. In fairness I should add that the regulatory agencies are not, of course, the only examples of industry orientation in our Government. The Agriculture Department, for example, might be said to fall into the same category. And beyond the matter of identification with the regulated industry, I think confinement to a narrow area of problems tends to stifle the broad intellectual processes we need. A judge told me recently that the best part of his job was that he did not have only one kind of case. His court's great advantage, he said, was that it passed on wills and torts and criminal cases as well as administrative matters. He said the variety of cases produced a cross-fertilization of ideas that he regarded as essential.

For all these reasons I would look favorably on any device to broaden the purview of the administrative agency heads. One idea that has been suggested has been to combine some of the agencies. Another is to appoint roving commissioners who would sit with one agency for a certain time, then move to another. Objections will be heard, and there are valid ones. But I would sacrifice a good deal to get agency heads out of a single track of problems and out of a specialized relationship with one industry.

As I indicated earlier, I would favor procedural reform to emphasize the role of the individual commissioner or board member. I think he should have a sufficient staff of his own so that he can take the responsibility for his own opinions. There is nothing like drafting an opinion, and knowing it will appear in print under your name, to make a judge of any kind rethink his decision in a case.

I must say also that I would go for less regulation in general. I think sometimes that as a Nation we have become psychologically too adjusted to regulation. When I see the Supreme Court taking its time deciding whether the ICC should have given a different permit to a small trucker to haul goods between two cities, I just wonder whether we would not be better off letting anyone haul whatever he wants, subject only to safety regulations. Wouldn't it be fun to forget all the arguments about pay television and just let anyone go ahead who wants to, letting the fittest system of television survive the resulting donnybrook? I know this is a heretical thought, but I would not mind a touch of the robber baron here and there in our over-protected life. At least it would be more interesting.

Finally, I must return to the political lethargy of our country today. In the long run the only way to a fairer, more intelligent, more imaginative administrative process is to arouse the passion, the concern of our public for its Government.

CLAUDE L. DRAPER

Mr. PROXMIRE. Mr. President, on the last day of April the long and useful life of Claude Llewellyn Draper came to an end.

Most of that career he spent as a member of a public regulatory body, with a decade of service on Wyoming State commissions and a quarter of a century as a member of the Federal Power Commission.

But what distinguished the administrative career of Claude Draper was not its long tenure, but his willingness to press boldly and imaginatively for new concepts of public regulation in the interest of the consumer.

His decision in the New River case of 1931, holding that stream to be a navigable water of the United States, is a landmark in the history of the regulation of waterways.

When Mr. Draper was appointed to the newly reorganized Federal Power Commission early in the New Deal period public utility regulation was virtually paralyzed by the uncertainties stemming from the Supreme Court's decision in Smyth against Ames in 1898, which had had the practical effect of making the Court itself the ultimate arbiter of public utility rates. The FPC set out to get judicial approval of the prudent investment doctrine of ratemaking which Mr. Justice Brandeis had championed on the Court. This was achieved in 1944 in the Hope Natural Gas Co. case, when the Supreme Court upheld the Commission. Mr. Draper was supervising Commissioner in that case.

The Federal Power Commission in those days believed it was their job to defend the interests of the consumer, as the laws they administered said they should. Claude Draper continued to believe it, as did Leland Olds and Thomas Buchanan when they sat with him on the Commission. In a day when many commissioners seem to believe that they represent the industries they regulate, he will be remembered for that.

But more than that, his career will stand as a monument to integrity in the public service. With power to decide among the claims of massive interests, he walked unfaltering the path of rectitude. He wore his title "public servant" like a badge of honor.

THE EXULTANT BIRTHDAY FOR ISRAEL—NATION CELEBRATES ITS 10TH ANNIVERSARY

Mr. MURRAY. Mr. President, Israel has been celebrating its 10th anniversary as an independent nation, and the whole world has been stirred by the almost miraculous progress it has been making since it declared itself independent.

Since 1948, Israel has made impressive progress. Its population has tripled to over 2 million through immigration from 70 nations. Industry has zoomed from almost nothing to an annual output of more than $750 million.

Her actions and her conduct as a member of the United Nations, and her willingness to cooperate in relieving the tension in the Middle East, have been further evidence of her desire not only to provide security for the people of the State of Israel, but to serve as an integral part in helping to bring peace to the people of the world as a whole.

People of good will are looking forward with continued hope for the further growth of Israel and for its help in maintaining democratic principles of the Free World.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point in my remarks an editorial from the New York Times of April 24, 1958, describing the dramatic story of Israel's progress as a free nation.

Mr. President, I also ask unanimous consent to have printed in the body of the RECORD a stirring story of Israel's fight for freedom, written by Drew Pearson and published in the Washington Post and Times Herald of April 24, 1958.

There being no objection, the editorial and news article were ordered to be printed in the RECORD, as follows:

[From the New York Times of April 24, 1958]

ISRAEL'S TENTH

From the hills of Galilee to the sands of Aqaba, from the waters of the Dead Sea to the shores of the Mediterranean, a myriad of blue-and-white flags will be flying proudly today in celebration of the 10th anniversary of the independence of the State of Israel.

Conceived in idealism and born in fire, Israel has already accomplished the impossible. It has established itself as a free democracy on an ancient, rocky soil that had not known freedom for centuries. It has grown in strength and security though surrounded by hostile neighbors. It has created a new kind of civilization at this traditional crossroads of old civilizations. It has done so through the unconquerable strength of a pioneer spirit welling up from 2,000 years of tragic history.

The force of character, the courage in arms, the determination to survive, the will to create, that have marked the first decade of this extraordinary state combine to give assurance of its future. Militarily undefensible, economically unviable, politically impossible, it has yet managed to defend itself, to develop its economy, to establish its institutions. It has thrown open its doors to Jewish victims of oppression throughout the world, giving a new sense of dignity to those denied this basic human right in the

countries from which they came. The men and women who have built the State of Israel in these first 10 crucial years have plowed the soil, have planted forests, have created industries, have brought water to the desert, have constructed homes and towns and cities, have deepened ports, have opened mines; and in doing all this and more they have not failed to give attention to the most important factor of all in their national development: the education of their youth and the fusion of many kinds of people with diverse backgrounds into a vigorous and, eventually, a common culture.

They could not perform the miracles they have performed without help, nor without paying a fearful price. The help has come mainly from the United States, and it will be needed for a long time to come. The price has been the unwavering enmity of the Arab world, which failed in its attempt to throttle Israel at the start and which has not yet become openly reconciled to the fact that Israel is here to stay. The Arabs' reiterated hostility and refusal for 10 years to make peace gives Israel good reason for her constant posture of military readiness; but Israel herself has sometimes in the past seemed too quick on the trigger in an explosive situation that could engulf the globe.

The continuing state of tension between Israel and the Arab countries is obviously one of the most dangerous elements in the world today; and, by any objective appraisal of this situation, it makes no sense. If the Arab States would recognize the realities and negotiate a peace, and if in turn Israel would be willing to make concessions toward that end, the moral, political and economic benefits to all the people of the area would be beyond calculation. David Ben-Gurion, Israel's messianic Prime Minister, has told Parliament in his latest message that "we must make untiring and incessant efforts to find a way to the hearts of the peoples who are still hostile to us and bring about peace between the Jewish people and their Arab neighbors." The achievement of this goal must be the deepest hope of all of Israel's friends throughout the Free World who are congratulating her on this, her 10th anniversary.

[From the Washington Post and Times Herald of April 24, 1958]

ISRAEL SURVIVES YEARS OF TRAVAIL

(By Drew Pearson)

This week marks the 10th anniversary of a little country founded in tears and built in travail—Israel. Twenty-four hours after it declared its independence 7 Arab nations attacked on 3 sides. King Farouk of Egypt was so sure of marching into its biggest city that he had a stamp printed featuring his picture. Underneath were the words "Tel Aviv."

Farouk and the Egyptian Army never got to Tel Aviv. The Israeli Army 8 years later would have got to Cairo had Mr. Eisenhower and Secretary Dulles not intervened.

The fiery determination that stopped seven Arab countries in 1948, and which routed the Russian-armed, vastly superior, Egyptian Army in 1956, is the secret of Israel. It's a nation built on the suffering of the exiled tribes of Israel, built in the dream, nurtured during 20 centuries, that someday the Jews would come back to a home of their own, built as a living memorial to the 6 million Jews burned in the gas chambers of Hitler.

All this is behind the dedication, the determination, the pioneering spirit that has made Israel.

You have to go there to understand it. You have to see the bulldozers pushing rocks, rocks eroded since the days of Abraham, millions of rocks pushed aside so that crops can be raised in little patches of clean soil underneath. Or boys and men and women painfully picking up the rocks and putting them on stone fences to line the little patches of soil being cultivated to feed the sons of Abraham.

THIS IS ISRAEL

And you have to see the trees—millions of trees—imported from similar climates in Australia, contributed by Jews from all over the world, carefully planted along the roadsides and the highways.

You have to see the irrigation works, the Yarkon project, no bigger at its headwaters than Rock Creek which ambles through Washington; one-fourth the size of the Schuylkill which runs through Philadelphia; one-thousandth the volume of the Hudson as it flows past Manhattan. Yet the headwaters of the Yarkon, every drop of water cherished like gold, spreads out over the Plain of Sharon and makes the Negev Desert bloom 50 miles away.

Or you have to see the farm settlements: refugees from Hitler living next to refugees from Nasser, along with refugees from Poland or from Algeria or Yemen. At first they have only one bond in common, their religion. They speak no common language, have been separated by the centuries. But they learn Hebrew and their children learn to know each other and to marry each other, and soon out of a melting pot of diverse nationalities has grown a close-knit, cooperating, thriving community. This is how Israel has grown.

Or you have to see the children—buoyant, beautiful children, as radiant and healthy as any in the United States; or the old people as they go down to bathe in the warm Mediterranean; the Moslems at their prayers; the Christians as they worship in the cathedrals of Jerusalem and Nazareth; the schools, the universities, the camels and the caravans, and the new railroad cars contributed by West Germany as a token of penitence for the soap factories of Hitler.

Or you have to see the hospitals, where men like Dr. Haim Sheba, pioneer new Near East medicine; where Arabs are given the same treatment as Jews; and where Egyptian wounded taken in Sinai, were nursed back to life. You have to know that doctors from Israel, though overworked, have been loaned to the new African Republic of Ghana and to the new Republic of Burma; and that the scientific discoveries for eradicating flies, mosquitoes, Near Eastern diseases have been made available to the Arab States.

DANGER OF WAR

On one side of Israel lap the blue waters of the Mediterranean, warm and friendly. On the other three sides are deserts and mountain ranges from which peer Arab guards, ever on watch, ever posing the possibility of border raids. Beyond them several million more Arabs vow vengeance, await the day when they can do what King Farouk and Colonel Nasser failed to do—conquer Israel.

So Israel on her 10th anniversary faces a greater crisis than ever—not immediate, but eventual.

From the Near East last September I reported the Kremlin timetable. It was: Unite Egypt and Syria; subvert Saudi Arabia and Jordan; overrun Lebanon; bring all the Arab states with their 70 percent of the world's oil reserves under Moscow and Nasser. That timetable is running on schedule. Egypt and Syria are joined. A new ruler has virtually taken over Saudi Arabia. Pro-Nasser riots are disrupting Lebanon.

All the problems of the Near and Middle East are tied up together. They cannot be solved separately.

This is the most complicated problem facing the Free World. It's a problem which carries the greatest potentiality for war. Yet there are some solutions, as this column will endeavor to point out in the near future.

VETERANS OF FOREIGN WARS LOYALTY DAY PARADE

Mr. PURTELL. Mr. President, on May 4 it was my pleasure to participate with thousands of my fellow citizens of Connecticut in the Loyalty Day parade in Danbury.

This most inspiring demonstration of loyalty to our country was, in my opinion, more impressive than ever before because thousands of our men and women and boys and girls of our veterans civic fraternal organizations and members of our Armed Forces paraded in the rain.

Even the bad weather failed to dampen the enthusiastic loyalty of the marchers and the spectators in this great annual demonstration promoted by the Veterans of Foreign Wars as a most effective answer to the May Day celebration of the Communists.

For 3 hours, Mr. President, the bands, the marching groups, and the colors of our Nation were paraded through this Connecticut city in an inspiring display of the kind of patriotism which has made America a great Nation and Connecticut a great State.

Mr. President, I cannot help but feel that all those who participated in this massive demonstration of loyalty to the United States of America helped to show to the world our determination to remain free and united.

It was a most edifying spectacle and one of which I am very proud, as a Senator from Connecticut.

Mr. President——

The PRESIDING OFFICER. The Senator from Connecticut.

PRESENTATION OF AWARDS BY ITALIAN GOVERNMENT AND BY THE ORDER OF SONS OF ITALY

Mr. PURTELL. Mr. President, Sunday evening, May 4, in Torrington, Conn., three citizens of my State were decorated by the Government of the Republic of Italy and were awarded the Star of Solidarity.

The recipients were: John Ottaviano, Jr., the treasurer of the State of Connecticut; Mr. Domenic Cocco; and Mr. Louis Sidoli.

The presentations were made during the convention banquet of the grand lodge of the Order of Sons of Italy in America in Torrington. These awards to three of our distinguished citizens point up the continuing and ever-strengthening bonds of friendship which exist between the United States and Italy. This friendship has been a most beneficial one because both nations have benefited greatly by this mutual exchange of respect and understanding.

The Order of the Sons of Italy in America also at the ceremony presented its 1958 distinguished citizen award to the Honorable Mildred P. Allen, secretary of the State of Connecticut, a most charming, gracious, and able public servant.

Mr. President, it was truly an evening devoted to international friendship and understanding, as the people of Italian parentage, who have contributed so much

to our Nation through one of their important organizations, honored this gracious lady for her many and outstanding contributions, and three American citizens were honored by the Italian Government for their contributions in the mutual interests of both countries.

Mr. President, it is heartening to know that America and Italy, which have so many common ties, are marching together shoulder to shoulder in unswerving determination to preserve the way of life of our common heritage.

PEACEFUL USES OF ATOMIC ENERGY

Mr. PASTORE. Mr. President, as chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, I ask unanimous consent that there be printed in the body of the CONGRESSIONAL RECORD, for the information of all Members of Congress, copies of the following documents:

Letter dated April 25, 1958, from AEC Chairman Strauss to Hon. CARL T. DURHAM, chairman of the Joint Committee on Atomic Energy;

Letter dated April 3, 1958, from AEC Chairman Lewis Strauss, to the President of the United States;

Letter dated April 11, 1958, from President Eisenhower to AEC Chairman Strauss; and

Amendment to agreement for cooperation between the Government of the United States of America and the Government of Sweden concerning the civil uses of atomic energy.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

UNITED STATES ATOMIC ENERGY COMMISSION,
Washington, D. C., April 25, 1958.

Hon. CARL T. DURHAM,
Chairman, Joint Committee on Atomic Energy,
Congress of the United States.

DEAR MR. DURHAM: Pursuant to section 123c of the Atomic Energy Act of 1954, as amended, there is submitted with this letter:

1. Three copies of an amendment to the Agreement for Cooperation with the Government of Sweden, as amended, which was signed on January 18, 1956;

2. Three copies of a letter from the Commission to the President recommending approval of the amendment;

3. Three copies of a letter from the President to the Commission approving the amendment, containing his determination that it will promote and will not constitute an unreasonable risk to the common defense and security; and his authorization to execute the proposed amendment.

The amendment submitted with this letter would modify the Agreement for Cooperation signed by the Government of the United States and the Government of Sweden on January 18, 1956, which has been modified by an earlier amendment signed on August 3, 1956.

Article I of the proposed amendment would provide for the transfer of a net amount of 200 kilograms of uranium enriched up to a maximum of 20 percent in the isotope U–235, except as noted below. This uranium would be sold or leased by the Commission to the Government of Sweden for fueling defined reactor projects in Sweden. The Commission, at its discretion, may make a portion of the foregoing 200 kilograms available as material enriched up to 90 percent for use in a materials testing reactor capable of operating with a fuel load not to exceed 8 kilograms of contained U–235 in uranium. It is contemplated that most of the fuel to be transferred under the agreement, as amended, will be utilized in a materials testing reactor being purchased in the United States and to become operational in the fall of 1958 at the Studsvik Research Center, south of Stockholm.

The quantity of uranium enriched in the isotope U–235 transferred to the Government of Sweden for use as fuel in reactors will not at any one time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling or, subject to Commission approval, are being reprocessed in Sweden.

Article II of the proposed amendment would permit the transfer of quantities of special nuclear materials, including U–235, U–233 and plutonium, on an as-may-be-agreed basis, for defined research projects related to the peaceful uses of atomic energy.

Article III of the proposed amendment indicates that the parties affirm their common interest in the International Atomic Energy Agency and that the parties agree to consult with each other to determine in what respects, if any, they desire to modify the provisions of the Agreement for Cooperation in view of the establishment of the Agency.

Article IV of the proposed amendment incorporates several provisions which are designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to nonpeaceful purposes.

The amendment will enter into force when the two Governments have exchanged written notification that their respective statutory and constitutional requirements have been fulfilled.

Sincerely,

LEWIS STRAUSS,
Chairman.

UNITED STATES ATOMIC ENERGY COMMISSION,
Washington, D. C., April 3, 1958.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed proposed amendment to the agreement for cooperation between the Government of the United States of America and the Government of Sweden concerning civil uses of atomic energy and authorize its execution.

The amendment has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, and is, in the opinion of the Commission, an important and desirable step in advancing the development of the peaceful uses of atomic energy in Sweden in accordance with the policy which you have established. This amendment would modify the agreement for cooperation signed by the Government of the United States and the Government of Sweden on January 8, 1956, which has already been modified by an earlier amendment signed on August 3, 1956. The agreement provided for the transfer of fuel from the Commission to the Government of Sweden for use in research reactors. The first amendment modified the agreement to permit the Government of Sweden to have in its custody, at any one time, up to 12 instead of 6 kilograms of contained U–235 in uranium enriched up to a maximum of 20 percent U–235, plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous use of the reactor involved. Article I of the proposed amendment would provide for the transfer of a net amount of 200 kilograms of uranium enriched up to a maximum of 20 percent in the isotope U–235, except as noted below. This uranium would be sold or leased by the Commission to the Government of Sweden for fueling defined reactor projects in Sweden. The Commission, at its discretion, may make a portion of the foregoing 200 kilograms available as material enriched up to 90 percent for use in a materials-testing reactor capable of operating with a fuel load not to exceed 8 kilograms of contained U–235 in uranium. Article I of the proposed amendment also provides that when any source or special nuclear material received from the United States requires reprocessing, such reprocessing shall be performed either in Commission facilities or in facilities acceptable to the Commission.

The quantity of uranium enriched in the isotope U–235 transferred to the Government of Sweden for use as fuel in reactors will not at any one time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling or, subject to Commission approval, are being reprocessed in Sweden.

Article II of the proposed amendment would permit the transfer of quantities of special nuclear materials, including U–235, U–233, and plutonium, on an as-may-be-agreed basis, for defined research projects related to the peaceful uses of atomic energy.

Article III of the proposed amendment indicates that the parties affirm their common interest in the International Atomic Energy Agency and that the parties agree to consult with each other to determine in what respects, if any, they desire to modify the provisions of the agreement for cooperation in view of the establishment of the agency.

Article IV of the proposed amendment incorporates several provisions which are designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to nonpeaceful purposes.

Following your approval and subject to the authorization requested, the agreement will be formally executed by the appropriate authorities of the Government of the United States of America and the Government of Sweden and placed before the Joint Committee on Atomic Energy in compliance with section 123c of the Atomic Energy Act of 1954, as amended.

Respectfully,

LEWIS L. STRAUSS,
Chairman.

THE WHITE HOUSE,
Washington, April 11, 1958.

The Honorable LEWIS L. STRAUSS,
Chairman, Atomic Energy Commission,
Washington, D. C.

DEAR MR. STRAUSS: Under date of April 3, you informed me that the Atomic Energy Commission has recommended that I approve the proposed "amendment to the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy" and authorize its execution.

The recommended amendment has been reviewed. It provides for the transfer of a net quantity of 200 kilograms of enriched uranium to the Government of Sweden, and the Commission, at its discretion, may make a portion of the foregoing 200 kilograms available as material enriched up to 90 percent for use in a materials-testing reactor.

The proposed amendment will permit the transfer of quantities of special nuclear materials, including U–235, U–233, and plutonium, for defined research projects related to the peaceful uses of atomic energy on an "as may be agreed" basis rather than in limited quantities, as now provided in the existing agreement. It also indicates that the parties affirm their common interest in the International Atomic Energy Agency and that they agree to consult with each other to determine in what respects, if any, they desire to modify the provisions of the agreement for cooperation in view of the establishment of the Agency. Finally, the proposed amendment incorporates provisions designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to nonpeaceful purposes.

Therefore, pursuant to the provision of section 123 of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby (1) determine that the performance of the proposed amendment will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and (2) approve the proposed amendment to the Agreement for Cooperation Between the Government of the United States and the Government of Sweden enclosed with your letter of April 3; and (3) authorize the execution of the proposed amendment for the Government of the United States by appropriate authorities of the Atomic Energy Commission and the Department of State.

It is my hope that this amendment will enhance the very productive program of cooperation between the United States and Sweden in the peaceful uses of atomic energy.

Sincerely,

DWIGHT D. EISENHOWER.

AMENDMENT TO AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF SWEDEN CONCERNING CIVIL USES OF ATOMIC ENERGY

The Government of the United States of America and the Government of Sweden, desiring to amend the agreement for cooperation concerning civil uses of atomic energy between the Government of the United States of America and the Government of Sweden signed January 18, 1956 (hereinafter referred to as the "Agreement for Cooperation"), as amended by the agreement signed August 3, 1956, agree as follows:

ARTICLE I

Article II of the Agreement for Cooperation, as amended, is hereby amended to read as follows:

"A. The Commission will sell or lease, as may be agreed, to the Government of Sweden, uranium enriched up to 20 percent in the isotope U–235, except as otherwise provided in paragraph C of this article, in such quantities as may be agreed in accordance with the terms, conditions, and delivery schedules set forth in contracts for fueling defined research reactors and a materials testing reactor, which the Government of Sweden, in consultation with the Commission, decides to construct or authorize private organizations to construct in Sweden and as required in experiments related thereto; provided, however, that the net amount of any uranium sold or leased hereunder during the period of this agreement shall not exceed 200 kilograms of contained U–235. This net amount shall be the gross quantity of contained U–235 in uranium sold or leased to the Government of Sweden during the period of this agreement less the quantity of contained U–235 in recoverable uranium which has been resold or otherwise returned to the Government of the United States of America during the period of this agreement or transferred to any other nation or international organization with the approval of the Government of the United States of America.

"B. Within the limitations contained in paragraph A of this article, the quantity of uranium enriched in the isotope U–235 transferred by the Commission under this article and in the custody of the Government of Sweden shall not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project which the Government of Sweden or persons under its jurisdiction decide to construct and fuel with United States fuel, as provided herein, plus such additional quantity, as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of such reactor or reactors while replaced fuel elements are radioactively cooling, are in transit, or, subject to the provisions of paragraph E of this article, are being reprocessed in Sweden, it being the intent of the Commission to make possible the maximum usefulness of the material so transferred.

"C. The Commission may, upon request and in its discretion, make a portion of the foregoing special nuclear material available as material enriched up to 90 percent for use in a materials testing reactor capable of operating with a fuel load not to exceed 8 kilograms of contained U–235 in uranium.

"D. It is understood and agreed that although the Government of Sweden may distribute uranium enriched in the isotope U–235 to authorized users in Sweden, the Government of Sweden will retain title to any uranium enriched in the isotope U–235 which is purchased from the Commission at least until such time as private users in the United States of America are permitted to acquire title in the United States of America to uranium enriched in the isotope U–235.

"E. It is agreed that when any source or special nuclear material received from the United States of America requires reprocessing, such reprocessing shall be performed at the discretion of the Commission in either Commission facilities or facilities acceptable to the Commission, on terms and conditions to be later agreed; and it is understood, except as may be otherwise agreed, that the form and content of any irradiated fuel elements shall not be altered after their removal from the reactor and prior to delivery to the Commission or the facilities acceptable to the Commission for reprocessing.

"F. With respect to any special nuclear material not owned by the Government of the United States of America produced in reactors fueled with materials obtained from the United States of America which is in excess of the need of the Government of Sweden of such materials in its program for the peaceful uses of atomic energy, the Government of the United States of America shall have and is hereby granted (a) a first option to purchase such material at prices then prevailing in the United States of America for special nuclear material produced in reactors which are fueled pursuant to the terms of an agreement for cooperation with the Government of the United States of America, and (b) the right to approve the transfer of such material to any other nation or international organization in the event the option to purchase is not exercised.

"G. Special nuclear material produced in any part of fuel leased hereunder as a result of irradiation processes shall be for the account of the Government of Sweden and after reprocessing as provided in paragraph E hereof shall be returned to the Government of Sweden at which time title to such material shall be transferred to that Government, unless the Government of the United States of America shall exercise the option, which is hereby accorded, to retain, with appropriate credit to the Government of Sweden, any such special nuclear material which is in excess of the needs of the Government of Sweden for such material in its program for the peaceful uses of atomic energy.

"H. Some atomic energy materials which the Government of Sweden may request the Commission to provide in accordance with this Agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials to the Government of Sweden the Government of Sweden shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any special nuclear materials or fuel elements which the Commission may, pursuant to this Agreement, lease to the Government of Sweden or to any private individual or private organization under its jurisdiction, the Government of Sweden shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such special nuclear materials or fuel elements after delivery by the Commission to the Government of Sweden or to any authorized private individual or private organization under its jurisdiction."

ARTICLE II

Article III (A) of the Agreement for Cooperation, as amended, is hereby amended to read as follows:

"ARTICLE III (A)

"Materials of interest in connection with defined research projects related to the peaceful uses of atomic energy undertaken by the Government of Sweden, including source materials, special nuclear materials, byproduct material, other radioisotopes, and stable isotopes, will be exchanged for research purposes in such quantities and under such terms and conditions as may be agreed when such materials are not available commercially."

ARTICLE III

The following new article is added directly after article V of the Agreement for Cooperation:

"ARTICLE V (A)

"The Government of the United States of America and the Government of Sweden affirm their common interest in the International Atomic Energy Agency and to this end:

"A. The parties will consult with each other, upon the request of either party, to determine in what respects, if any, they desire to modify the provisions of this Agreement for Cooperation. In particular, the parties will consult with each other to determine in what respects and to what extent they desire to arrange for the administration by the International Atomic Energy Agency of those conditions, controls, and safeguards including those relating to health and safety standards required by the Agency in connection with similar assistance rendered to a cooperating nation under the aegis of the Agency.

"B. In the event the parties do not reach a mutually satisfactory agreement following the consultation provided for in paragraph A of this article, either party may by notification terminate the Agreement. In the event this Agreement is so terminated, the Government of Sweden shall return to the Commission all source and special nuclear materials received pursuant to this Agreement and in its possession or in the possession of persons under its jurisdiction."

ARTICLE IV

Article VI of the Agreement for Cooperation, as amended, is amended to read as follows:

"A. The Government of the United States of America and the Government of Sweden

emphasize their common interest in assuring that any material, equipment, or device made available to the Government of Sweden pursuant to this agreement shall be used solely for civil purposes.

"B. Except to the extent that the safeguards provided for in this agreement are supplanted, by agreement of the parties as provided in article V (A), by safeguards of the International Atomic Energy Agency, the Government of the United States of America, notwithstanding any other provisions of this agreement, shall have the following rights:

"1. With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards, to review the design of any (i) reactor and (ii) other equipment and devices the design of which the Commission determines to be relevant to the effective application of safeguards, which are to be made available to the Government of Sweden or persons under its jurisdiction by the Government of the United States of America or any person under its jurisdiction, or which are to use, fabricate, or process any of the following materials so made available: Source material, special nuclear material, moderator material, or other material designated by the Commission;

"2. With respect to any source or special nuclear material which is to be made available to the Government of Sweden or any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction and any source or special nuclear material utilized in, recovered from, or produced as a result of the use of any of the following materials, equipment, or device so made available:

"(i) Source material, special nuclear material, moderator material, or other material designated by the Commission;

"(ii) Reactors;

"(iii) Any other equipment or device designated by the Commission as an item to be made available on the condition that the provision of this subparagraph B 2 will apply—

"(a) To require the maintenance and production of operating records and to request and receive reports for the purpose of assisting in ensuring accountability for such materials; and

"(b) To require that any such material in the custody of the Government of Sweden or any person under its jurisdiction be subject to all of the safeguards provided for in this article and the guaranties set forth in article VII;

"3. To require the deposit in storage facilities designated by the Commission of any of the special nuclear material referred to in subparagraph B 2 of this article which is not currently utilized for civil purposes in Sweden and which is not purchased or retained by the Government of the United States of America pursuant to article II of this agreement, or otherwise disposed of pursuant to an arrangement mutually acceptable to the parties;

"4. To designate, after consultation with the Government of Sweden, personnel who, accompanied, if either party so requests, by personnel designated by the Government of Sweden, shall have access in Sweden to all places and data necessary to account for the source and special nuclear materials which are subject to subparagraph B 2 of this article to determine whether there is compliance with this agreement and to make such independent measurements as may be deemed necessary;

"5. In the event of noncompliance with the provisions of this article, or the guaranties set forth in article VII, and the failure of the Government of Sweden to carry out the provisions of this article within a reasonable time, to suspend or terminate this agreement and require the return of any materials, equipment, and devices referred to in subparagraph B 2 of this article;

"6. To consult with the Government of Sweden in the matter of health and safety.

"C. The Government of Sweden undertakes to facilitate the application of the safeguards provided for in this article."

ARTICLE V

Notwithstanding the provisions of the first paragraph of article VIII of the Agreement for Cooperation, the agreement, as amended, shall remain in force for a period of 10 years from the date this amendment enters into force, and shall be subject to renewal as may be mutually agreed.

ARTICLE VI

This amendment shall enter into force on the date on which each Government shall receive from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such amendment and shall remain in force for the period of the Agreement for Cooperation, as amended.

In witness whereof, the undersigned, duly authorized, have signed this amendment.

Done at Washington, in duplicate, this 25th day of April 1958.

For the Government of the United States of America:

C. BURKE ELBRICK,
Assistant Secretary of State for European Affairs, Department of State.

LEWIS L. STRAUSS,
Chairman, United States Atomic Energy Commission.

For the Government of Sweden:

ERIK BOHEMAN,
Ambassador of Sweden.

Certified to be a true copy:

A. J. VANDER WEYDEN,
Deputy Director, Division of International Affairs, United States Atomic Energy Commission.

This amendment was initialed on March 26, 1958, by Edward G. Moline, Department of State, and Count Carl L. Douglas, Minister Plenipotentiary, Counselor Embassy of Sweden.

Mr. PASTORE. Mr. President, section 123c of the Atomic Energy Act of 1954 requires that no agreement for cooperation with any nation or regional defense organization shall be undertaken until the proposed agreement, or amendment, together with the approval and the determination of the President, has been submitted to the joint committee and a period of 30 days has elapsed while Congress is in session.

As indicated by Mr. Strauss' letter to Mr. DURHAM, the proposed amendment would provide for the transfer of a net amount of 200 kilograms of uranium enriched up to a maximum of 20 percent in the isotope U–235, except that up to 8 kilograms may be enriched to 90 percent U–235. All of the uranium will be used only for peaceful purposes, and it is contemplated that most of the enriched fuel to be transferred under the agreement will be utilized in a materials testing reactor now being purchased in the United States which is scheduled to become operational next fall at the Studsvik Research Center, south of Stockholm.

Last fall, five members of the joint committee, although I was not privileged to be one of them, visited Sweden for a day and a half, and inspected atomic energy installations in that country, including an underground research reactor, and received an excellent briefing on that country's plans for the peaceful uses of atomic energy. This amendment to the existing agreement for cooperation should constitute a good step in that direction, with mutual benefits to both our countries.

Article 4 of the proposed agreement incorporates several provisions which are designed to minimize the possibility of any of the nuclear material being diverted, and to assure that the material will be used only for peaceful purposes.

I should also like to take this opportunity to draw the attention of the Members of the Senate to a report recently published by the Joint Committee on Atomic Energy entitled "Report of the Members of the Joint Committee on Atomic Energy to the First General Conference of the International Atomic Energy Agency and Visits to Western Europe." This report contains valuable firsthand information obtained by the members of the joint committee concerning mutual efforts by the United States and the countries of Western Europe to develop the peaceful uses of atomic energy.

POLISH CONSTITUTION DAY

Mr. HUMPHREY. Mr. President, May 3 marked the anniversary of an historic occasion, Polish Constitution Day. One hundred and sixty-seven years ago, the Polish Diet, inspired by the American Declaration of Independence and by the French Proclamation of Rights, enacted the Polish Constitution.

Polish people everywhere still observe at least in their hearts, this anniversary as a reminder of the high hopes and noble ideals that their forefathers had for the future of their country. It is sad for us to reflect on the unhappy history of this brave nation—a history marked by futile attempts to regain their freedom and autonomy only to have the grim reminder of the crushing of the Hungarian revolt to force their acquiescence to Soviet imperialism. We can only pray, as do our Polish friends, that one day, the solemn faith of these courageous people will be rewarded. The people of Poland are brave and freedom loving—even as they suffer under the yoke of dictatorship. The people of Poland deserve and have the sympathy and respect of America. Their efforts for greater freedom will receive our support and friendship.

ANNA JARVIS, FOUNDER OF MOTHER'S DAY

Mr. MARTIN of Pennsylvania. Mr. President, next Sunday, in the peace and quiet of West Laurel Hill Cemetery, Philadelphia, an impressive service will be held to honor the memory of Miss Anna Jarvis, the founder of Mother's Day.

The service will mark the 50th anniversary of the first Mother's Day observance. It will be the 10th memorial service to be held at her grave since Miss Jarvis, passed away May 24, 1948.

A wreath of 50 white carnations will be placed on the grave in tribute to this gentle and kindly lady who found in-

spiration in her love for her own mother to suggest a special day to honor all mothers.

Through her untiring efforts the second Sunday of May has become a permanent and beautiful part of American life.

It is observed here and in many foreign lands as a day of reverent appreciation of the gentlest and loveliest—yet the most powerful—influence for all that is good in the world.

It is worthy of note also that in 1914, at the request of Miss Jarvis, the Congress of the United States, by joint resolution, gave recognition to the second Sunday of May as Mother's Day. Pursuant to that resolution, the day was proclaimed by President Woodrow Wilson in those troubled days of 1914 when the dark clouds of war were gathering over Europe.

The world is indebted to Miss Anna Jarvis, and it is most fitting that tribute be paid to her memory on the day that represents the realization of her dream.

No one can ever hope to repay the debt we owe our mothers for the blessings their love, their prayers, and their teachings have brought to us and the world.

As we pause to pay honor and homage to mother in our homes and in our churches next Sunday, let us recall the words of Abraham Lincoln:

All that I am or hope to be I owe to my angel mother.

Mr. President, I ask unanimous consent to insert at this point in my remarks an article on Mother's Day and its history, prepared by Miss Maude Olivia Hickman, president of Mother's Day, Inc., of Philadelphia, and also the program of the memorial service to be held next Sunday.

There being no objection, the article and program were ordered to be printed in the RECORD, as follows:

MOTHER'S DAY

The founder, Miss Anna Jarvis, born May 1, 1864, in Webster, W. Va., 1 of 11 children, only 4 living to maturity. The family moved to Grafton, W. Va., in 1865, where Miss Jarvis' early life was spent. After completing grade school, she entered Female Seminary in Wheeling in 1881, being graduated in 1884, and was immediately employed by the board of education as a teacher in the Grafton public schools where she taught for 7 years. The superintendent of schools said, "In all my wide experience as a teacher and superintendent, I have never known her equal as an efficient and capable teacher." Anna Jarvis was a woman of very keen intellect, broad vision, high ideals, and commanding personality and was a fluent, logical, and convincing speaker.

The real origin of Mother's Day dates back to the period immediately following the Civil War when Mrs. Anna Reeves Jarvis, the honored mother, organized the mothers of her community. The new organization wondered how their families would ever be reunited after the war was over. Mrs. Jarvis met this problem of family hatred after the close of the conflict by announcing a Mother's Friendship Day. A special invitation was given to every Union and Confederate soldier and their families. It was truly a wonderful sight to see the boys in blue and the boys in gray shake hands and say, "God bless you, neighbor; let us be friends again." Mrs. Jarvis, for a period of 20 years expressed her desire that someone, sometime would establish a day for mothers, both living and dead. It was this kind of work and works of a similar character that impressed her daughter to establish Mother's Day to perpetuate her mother's idea and make the day a memorial for all mothers.

About 1896 Miss Anna Jarvis came to Philadelphia, where her brother, Claude, was located in business, and became secretary of the literary department of Fidelity Mutual Life Insurance Co. After the death of her father, Granville E. Jarvis, in December 1903, the mother came to Philadelphia to reside with her son and daughters at 2031 North 12th Street. It was there 3 years later that Mrs. Jarvis died, May 9, 1905, at the age of 72. The following year, Miss Anna Jarvis asked friends to come to church the first Sunday in May to commemorate the anniversay of her mother's death. By 1907 she had acquainted John Wanamaker, the great merchant, with her plans to establish a Mother's Day. He thought the idea a good one and urged her to start the movement. By her untiring efforts, writing ministers of churches, mayors of cities, governors of States, the first official Mother's Day was founded on Sunday, May 10, 1908.

Anna Jarvis continued her zeal and efforts meeting Senators, Congressmen, and governors. The first to issue a State proclamation was William M. Glasscock, Governor of West Virginia, on May 8, 1910. Miss Jarvis never ceased her efforts, and in 1914, at her request, the second Sunday in May was named as Mother's Day. The resolution was passed by both Houses. President Woodrow Wilson approved and the Great Commoner, William Jennings Bryan, as Secretary of State, proclaimed it. In the President's proclamation which immediately followed, he ordered that, on the second Sunday in May, the flag should be displayed on all governmental buildings in the United States and in our foreign possessions. Later, Representative Heflin, of Alabama, author of the resolution said, "The flag was never used in a more beautiful and sacred cause than when flying above the tender, gentle army, the mothers of America."

Anna Jarvis traveled abroad extensively promoting Mother's Day until 46 foreign countries observe Mother's Day on the second Sunday in May. The dream of the mother had at last become a reality through the daughter, who always said her mother was the mother of Mother's Day and she the founder. She chose the white carnation as the emblem, being her mother's favorite flower and the emblem of purity and love. Then, too, she said, "Everyone would buy one" for they were selling for 10 cents per dozen. In a year or two, the prices for 1 started at 5 cents and continued to advance until now they sell for $1 and even more. She fought the commercialization always, for she founded the day as a religious and sacred day to remember and honor and revere our mothers, dead or alive. For this noble work, she was honored not only in America, but at the courts of foreign countries.

Miss Jarvis' last public appearance was in April 1943 at a church Mother's Club, honoring a sailor who sacrificed his life, but saved his ship, all officers and men in World War II. She was going blind and on November 3, 1943, she was placed by friends in a sanitarium in West Chester, Pa. Being totally blind, she died November 24, 1948, at the age of 84, the last of an illustrious family.

Miss Jarvis is buried beside her mother in West Laurel Hill Cemetery, Philadelphia. Upon her tombstone is a bronze plaque of her likeness, dedicated on Mother's Day, May 8, 1949.

MOTHER'S DAY, MAY 11, 1958, 50TH ANNIVERSARY—TENTH MEMORIAL SERVICE HELD BY MOTHER'S DAY INC., MISS MAUDE O. HICKMAN, PRESIDENT, FOR ANNA JARVIS, FOUNDER, WEST LAUREL HILL CEMETERY, PHILADELPHIA, PA.

PROGRAM

Fourth Naval District: Firing squad and buglers.

Invocation: Rev. J. Lawrence Carr, rector St. Andrew Centenary Methodist Church, West Philadelphia.

Pledge of Allegiance to the Flag: Boy Scout Troop No. 113, leader, Mr. H. Talley.

The National Anthem: Assemblage.

Welcome: Miss Maude O. Hickman.

Solo, The King of Love My Shepherd Is: By Charles Gounod; Soprano, Miss Ellen Summers German, St. John's Lutheran Church, Philadelphia.

Address: Dr. D. C. Evans, pastor, Old St. George's Methodist Church, Philadelphia (1707–1958).

Chorus, The Best Bouquet for Mother's Day: Pillar of Fire Children's Choir.

Wreath: By Allied Florists of Greater Philadelphia Inc.; Mr. Emil C. Esslinger, secretary, placing wreath of 50 white carnations on grave.

Benediction: Rev. J. Lawrence Carr.

Salute: Firing squad, Fourth Naval District.

Taps: Fourth Naval District.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Is there further morning business? If not, morning business is closed.

Mr. WATKINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. WATKINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPREME COURT LAW CLERKS

Mr. STENNIS. Mr. President, along with a number of others, I have become seriously concerned about the question of law clerks to Supreme Court Justices and would like to find out just what part they play in, first, deciding which cases will be reviewed by the Supreme Court; second, doing the legal research for Justices on pending cases; and, third, participating, if at all, in the actual preparation of opinions of the Court. This question and my comments are not directed personally against either the members of the Court or the clerks themselves.

During the last term for which an administrative report is available—October 1955 term—1,644 cases were appealed to the Supreme Court. This means that the entire transcripts, court files, and briefs in this large number of actual cases had to be read and absorbed for the underlying issues to be understood. Of these, 82 cases were decided by the Court with full opinions by the individual Justices, and 12 opinions were prepared for the Court itself. In all, 1630 cases were disposed of by the Court

The tremendous volume of work in reviewing these cases, as indicated by the above figures, could not have been done by the nine Justices during the term

time. To carry this volume of work it is absolutely necessary that they have professional help.

The only source of professional assistance is their law clerks. The volume of court business outlined above indicates that the work of these young men must have been of a substantial legal nature. They must have played an important part in determining which cases would be considered by the Court; resolution of the issues presented; and the expression of the Court's opinion.

These men could be occupying roles far more important than those occupied by many Under Secretaries and Assistant Secretaries whose appointments must be confirmed by the Senate. They could be making preliminary decisions in many instances as to whether or not certain landmark cases are to be heard by the Court. To the extent that they participate in shaping the work of the Court, they are deciding vital questions of national effect. Within the judicial branch, these are equivalent to policy-level decisions in the executive branch.

Anyone who performs such services for Supreme Court Justices occupies an important position in the American governmental structure. Four men, in most instances, by a preliminary decision determine whether or not a case will be reviewed by the Court. If less than four Justices vote for review that decision is final. In a great many cases less than a majority of the Court participate in the majority opinion. Thus, the grave responsibility of each individual Justice is shared by those who assist him in carrying on the work of the Court.

The volume of work imposed on the Court doubtless requires a part of the workload of each individual Justice to be performed in part through staff work. The question of whether there should be staff work is neither the issue nor the problem. The question is whether some professional qualifications should be imposed by law for the important post of law clerk. The American people have a right to expect that some safeguards are provided to assure that professional assistants for Supreme Court Justices are of the highest level of competence.

At the present time these positions have no qualifications of professional licensing, experience, or competence established by law; and the American people have no reason to assume that the professional assistance available to Supreme Court Justices is characterized by experience, achievement, or distinguished judicial service. What evidence there is available leads to a contrary conclusion.

It is generally known that these young men assist in the review of the records, and work on actual cases before the Court, although the extent of their actual participation in its functions is unknown. When one considers the volume of work done by the Court and the complexities of the many involved questions arising in the numerous cases, I am persuaded that the influence of the law clerk as to the disposition of cases is considerable. Still these positions are not defined. The qualifications are not prescribed, and the duties are not clear.

We know that these young men are paid from $5,535 to $6,500 a year. It is clear that such a salary range is small compared with those of other Government posts of similar responsibility and such a salary range is not designed to attract attorneys of top legal talent and experience.

From custom these posts have grown to be accepted. While not established by law, language of Judiciary Appropriations Acts has been drawn broad enough to pay for such services. These positions are authorized in general appropriations bills and the setting of salaries is authorized; but otherwise they are not established by law. Customarily, I understand, the term of such a position is usually 1 year, that the young law clerk is usually a very recent graduate from law school. He enters the actual practice of law probably for the first time after completing a 1-year term as law clerk.

The Congress has never prescribed qualifications for these employees, who assist the Justices of the Supreme Court. But with an increased realization of the necessity for such clerks, as well as the importance of the role they play in the work of the Court, the question now deserves, even demands, Congressional attention. There has been no reluctance to establish qualifications for employees and officials in the executive branch where tenure, salary, retention rights, retirement, and other vital details of Government employment are defined by law. Why should not this also be done for the judicial branch?

In, a recent article—December 13 1957—in U. S. News & World Report, a former law clerk to Justice Jackson, William H. Rehnquist, Esq., describes the role of these young men in the highest appellate tribunal. Particularly candid is the following quotation from that article:

> Most of the clerks are recent honor graduates of law schools, and, as might be expected are an intellectually high-spirited group. Some of them are imbued with deeply held notions about right and wrong in various fields of the law, and some in their youthful exuberance permit their notions to engender a cynical disrespect for the capabilities of anyone, including Justices, who may disagree with them.
>
> The bias of the clerks, in my opinion, is not a random or hit-and-miss bias. From my observations of two sets of Court clerks during the 1951 and 1952 terms, the political and legal prejudices of the clerks were by no means representative of the country as a whole nor of the Court which they served.
>
> After conceding a wide diversity of opinion among the clerks themselves, and further conceding the difficulties and possible inaccuracies inherent in political cataloging of people, it is nonetheless fair to say that the political cast of the clerks as a group was to the left of either the Nation or the Court.
>
> Some of the tenets of the liberal point of view which commanded the sympathy of a majority of the clerks I knew were: extreme solicitude for the claims of Communists and other criminal defendants, expansion of Federal power at the expense of State power, great sympathy toward any Government regulation of business.

I believe that the Senate should fully explore this problem and the situation of Supreme Court law clerks with a view to establishing minimum qualifications for holders of these important posts by law. The Congress should be in a position to assure the American people that a high degree of professional competence attends every incidence of the judicial function of our highest tribunal, the United States Supreme Court, for the decisions reached therein affect our country, its future and its 172 million people. The problem presents facts which Congress cannot afford to ignore. They point to a positive duty on the part of Congress to explore this problem fully. Because a statutory office requiring confirmation may be recommended as the solution to this problem, the Senate has a special duty and a special concern to clear up the many questions surrounding the role of the Supreme Court law clerk.

Mr. President, based on the foregoing facts, my specific recommendations are:

First. The full facts surrounding the entire situation must be developed.

Second. The extent of the need for this professional assistance must be fully developed.

Personally, I feel that a definite need does exist and that the need has far outgrown the idea of having someone fill the role merely on a 1-year basis.

Third. Clear-cut professional qualifications and other standards for the position must be established.

Fourth. We must determine whether or not Senate confirmation should be required for these positions of ever-increasing importance and influence.

Mr. President, I wish to emphasize that my remarks are in no way an attack upon the men who are serving as law clerks for the justices, nor upon the justices themselves. I have made it clear that I believe some professional assistants or staff assistants of this kind are absolutely necessary, in view of the increased volume of work the Supreme Court must carry during an active term.

My point is that it has become such an important and far-reaching office and position that it ought to be known what the role is of the law clerks that professional and other qualifications should be prescribed; that salaries and tenure should be prescribed in keeping with the importance of work, and I think, Senate confirmation of these highly important positions should be required.

I refer this matter to the committees which are concerned with it. I am a great believer in the committee system. The two primary committees I can think of which would be most concerned would be the Committee on the Judiciary and the Committee on Post Office and Civil Service. I call these remarks and this problem to the special attention of the members of those committees, as well as to the attention of all Members of the Senate and of Congress.

I yield the floor.

THE PULITZER AWARDS

Mr. FULBRIGHT. Mr. President, this morning's newspapers carry the announcement of the awards of the Pulitzer prizes. Prominent among these was the unusual award to both the Arkansas Gazette and its executive editor, Mr. Harry S. Ashmore.

I congratulate the judges upon their discrimination and fine sense of values.

Their choice in both these instances reflects great credit upon the oldest and leading newspaper in Arkansas.

I ask unanimous consent to have printed in the RECORD at this point an editorial appearing in this morning's New York Times, and also a copy of the citation by the selection committee.

There being no objection, the editorial and citation were ordered to be printed in the RECORD, as follows:

[From the New York Times of May 6, 1958]

PULITZER, 1958

In the distinguished list of Pulitzer awards, the ones for meritorious public service to the Arkansas Gazette and for editorial writing to its editor, Harry S. Ashmore, deserve special attention.

In the segregation crisis in Little Rock last fall, the Gazette consistently demonstrated in both its news and editorial columns the finest principles of American journalism. As the Pulitzer citation noted, the Gazette showed "the highest qualities of civic leadership, journalistic responsibility and moral courage" in the face of an attempt at mob rule stimulated by the highest authority in the State. This fine Little Rock daily, representing the forces of law and order and moderation in the South, has gained additional respect and admiration from the newspaper community and the Nation, in whose esteem it already stood high.

In the field of international news, the New York Times is naturally gratified to have received another Pulitzer award—its twenty-seventh—this one for the "admirable initiative, continuity and high quality" that characterized its foreign coverage during the year. We extend our congratulations to the other winners in the field of journalism, notably to Walter Lippmann on the occasion of his special citation for "the wisdom, perception and high sense of responsibility with which he has commented for many years on national and international affairs."

In the area of letters, two of the awards were posthumous: to Douglas Southall Freeman for his monumental biography of George Washington, and to James Agee for his sensitive novel, A Death in the Family, described by our reviewer last year as "an utterly individual and original book." A third went to Ketti Frings' dramatization of Thomas Wolfe's Look Homeward, Angel. Awards to Samuel Barber in music and Robert Penn Warren in poetry cause no surprise. Bray Hammond's work in economic history, Banks and Politics in America, is something out of the usual run of historical studies.

PULITZER PRIZE FOR THE ARKANSAS GAZETTE

CATEGORY

For disinterested and meritorious public service rendered by a United States newspaper, published daily, Sunday, or at least once a week during the year, a gold medal.

CITATION

Awarded to the Arkansas Gazette, of Little Rock, Ark., for demonstrating the highest qualities of civic leadership, journalistic responsibility, and moral courage in the face of mounting public tension during the school-integration crisis of 1957. The newspaper's fearless and completely objective news coverage, plus its reasoned and moderate policy, did much to restore calmness and order to an overwrought community, reflecting great credit on its editors and its management.

Pulitzer prize for Harry S. Ashmore, editor of the Arkansas Gazette.

CATEGORY

For distinguished editorial writing in a United States newspaper, published daily, Sunday, or at least once a week during the year, the test of excellence being clearness of style, moral purpose, sound reasoning, and power to influence public opinion, in what the writer conceives to be right direction, due account being taken of the whole volume of the editorial writer's work during the year, $1,000.

CITATION

Awarded to Harry S. Ashmore, executive editor of the Arkansas Gazette, for the forcefulness, dispassionate analysis, and clarity of his editorials on the school-integration conflict in Little Rock, Ark.

Mr. FULBRIGHT. Mr. President, I have known, for a long time, Mr. Ned Heiskell, the owner and for more than 50 years the editor of the Arkansas Gazette. Mr. Heiskell, a former Member of this body, is a man of highest character, a scholar, and a gentleman.

For more than 50 years he has directed the policies of the Gazette without fear or favor. He has devoted the Gazette to the public interest, and much of the very real progress which my State has made is due to the fearless integrity of Mr. J. N. Heiskell.

Mr. Heiskell, looking to the future of his newspaper, employed Mr. Harry S. Ashmore some years ago, outbidding a much larger and richer newspaper for his services. Mr. Ashmore, now only 41 years of age, has already made a great record as an editor and writer.

Mr. Heiskell has also brought into the business end of the paper Mr. Hugh Patterson, who is eminently qualified to continue the wise policy of the paper in the future.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the news story and the biographical sketch of Mr. Ashmore, published in the New York Times.

There being no objection, the article and biographical sketch were ordered to be printed in the RECORD, as follows:

[From the New York Times of May 6, 1958]

NEWSPAPER IN LITTLE ROCK WINS TWO PULITZER PRIZES

(By Harrison E. Salisbury)

Three of the 1958 Pulitzer prizes in journalism were awarded yesterday for coverage of last autumn's school integration crisis in Little Rock, Ark. Two of the three prizes were won by the same newspaper, the Arkansas Gazette, an unusual honor designed to record the high esteem felt by the awards committee for the excellence of this Little Rock newspaper's achievement.

The third prize was awarded to Relman Morin, an Associated Press reporter, for his coverage of integration violence in Little Rock.

AGEE NOVEL HONORED

The year's award for the best novel went to A Death in the Family by the late James Agee. Thus, the Pulitzer committee, like the National Book Awards Committee, passed up James Gould Cozzens' best-selling novel, By Love Possessed. The National Book Awards prize went to John Cheever's The Wapshot Chronicle.

The 1958 drama award went to Look Homeward, Angel, Ketti Frings' dramatization of the famous novel by the late Thomas Wolfe. None of Mr. Wolfe's novels ever received a Pulitzer prize.

The following prizes were awarded in journalism:

For meritorious public service: The Arkansas Gazette, Little Rock.

For international reporting: The New York Times.

For local reporting under deadline conditions: The Fargo (N. Dak.) Forum.

For local reporting under nondeadline conditions: George Beveridge, of the Evening Star, Washington.

For national reporting (two awards): Relman Morin, of the Associated Press, and Clark Mollenhoff, of the Des Moines Register and Tribune.

For editorial writing: Harry S. Ashmore, of the Arkansas Gazette.

Cartoons: Bruce M. Shanks, of the Buffalo Evening News.

News photography: William C. Beall, of the Washington Daily News.

Special citation: Walter Lippmann, of the New York Herald Tribune.

The prize biography was given to the late Douglas Southall Freeman's multivolume George Washington, which was completed after his death in 1953 by John Alexander Carroll and Mary Wells Ashworth. Dr. Freeman won a Pulitzer prize in 1935 for his biography of Robert E. Lee.

The history prize went to Bray Hammond for his Banks and Politics in America: From the Revolution to the Civil War. The poetry prize was awarded to Robert Penn Warren for Promises: Poems 1954–1956, and the prize for music went to Samuel Barber for the score of the opera Vanessa.

The announcement of 10 Pulitzer awards for journalism and 6 awards in arts and letters was made by Grayson Kirk, president of Columbia University. The awards are given by the trustees of Columbia on recommendation of the advisory board on Pulitzer prizes.

PRIZES ARE $500 AND $1,000

The awards in arts and letters are $500. Those in journalism carry a prize of $1,000. The prizes have been given since 1917 under the will of Joseph Pulitzer, publisher of the old New York World.

The double award to the Arkansas Gazette was made for its public service and editorial coverage of the explosive Little Rock integration crisis.

The newspaper was cited for "demonstrating the highest qualities of civic leadership, journalistic responsibility and moral courage."

"The newspaper's fearless and completely objective news coverage, plus its reasoned and moderate policy, did much to restore calmness and order to an overwrought community," the citation said.

Mr. Ashmore, executive editor of the Arkansas Gazette, was cited "for the forcefulness, dispassionate analysis and clarity of his editorials" on the integration situation.

A check of Pulitzer prize annals disclosed that the Arkansas Gazette was the first newspaper to win the public service prize and the editorial prize for its work on the same news story.

REPORT ON MOB CITED

In the third Pulitzer award growing out of the Little Rock crisis, Mr. Morin was cited for "his dramatic and incisive eyewitness report of mob violence on September 23, 1957, during the integration crisis" in Little Rock.

It was the second time Mr. Morin was honored by the Pulitzer committee. In 1951, he shared with five other reporters a Pulitzer award for coverage of the Korean war. Mr. Morin, long a foreign and domestic correspondent for the Associated Press, is now stationed in New York, assigned to special coverage.

Ordinarily only one prize is given for national affairs reporting. This year, however, a second prize was awarded. This went to Mr. Mollenhoff for a lengthy inquiry into labor union racketeering. Mr. Mollenhoff's stories were credited with assisting Congressional investigations into James R. Hoffa, Dave Beck, Frank Brewster and other Teamsters Union figures.

The New York Times, winner of the Award for International Reporting, was cited for "its distinguished coverage of foreign news, which was characterized by admirable initiative, continuity and high quality during the year."

This was the first time that the international reporting award was given to a newspaper staff, although collective staff awards have been made in other fields.

In 1941, the Times won a special Pulitzer citation "for the public educational value of its foreign news report, exemplified by its scope, by excellence of writing, presentation and supplementary background information, illustration and interpretation."

The special citation given this year to Mr. Lippmann was voted "for the wisdom, perception and high sense of responsibility with which he has commented for many years on national and international affairs."

TORNADO COVERAGE NOTED

The award to the Fargo Forum was given for its swift and vivid news and picture coverage of a tornado that struck the city June 20, 1957. The award to Mr. Beveridge was for his study of urban problems of Washington. The report was cited as having stimulated widespread public consideration of the situation.

Mr. Shanks' award was given for a cartoon depicting the dilemma of union members confronted by racketeering union leaders. The photography award to Mr. Beall was given for a picture of a policeman talking with a 2-year-old boy who wanted to get closer to a parade.

Mr. Agee's Pulitzer award was posthumous. He died 3 years ago at the age of 45 as he was completing A Death in the Family. The novel, published by McDowell, Obolensky, Inc., New York, is said to be to some extent autobiographical.

The Pulitzer prize for drama is made "for the American play, preferably original in its source and dealing with American life, which shall represent in marked fashion the educational value and power of the stage." The fact that the prize-winning play, Look Homeward, Angel, was adapted from a novel did not therefore bar it from consideration.

THREE ELECTED TO BOARD

Three new members were elected to the Advisory Board on Pulitzer Prizes. They are Erwin D. Canham, editor of the Christian Science Monitor; Kenneth MacDonald, editor of the Des Moines Register and Tribune; and W. D. Maxwell, editor of the Chicago Tribune.

They will replace Gardner Cowles, of Cowles Magazines, Inc., New York; Robert Choates, the Boston Herald; and John S. Knight of Knight Newspapers, Inc., Chicago. The members retire after serving 4-year terms.

Members of the 1958 advisory board, in addition to Messrs. Cowles, Choate, and Knight, were Dr. Kirk Barry Bingham, the Louisville Courier-Journal; Hodding Carter, the Delta Democrat-Times, Greenville, Miss.; Turner Catledge, the New York Times; Norman Chandler, the Los Angeles Times; J. D. Ferguson, the Milwaukee Journal; Benjamin M. McKelway, the Washington Evening Star; Paul Miller, Gannett Newspapers, Inc., Rochester, N. Y.; Joseph Pulitzer, Jr., the St. Louis Post-Dispatch; Louis B. Seltzer, the Cleveland Press; and John Hohenberg, professor of journalism, Columbia University Graduate School of Journalism, secretary.

HARRY S. ASHMORE

Harry Scott Ashmore is an apostle of change for the South. His views have met with a mixed reaction in his own territory, but yesterday they won him a Pulitzer prize.

The executive editor of the Arkansas Gazette was cited for his editorials during the school integration conflict in Little Rock last fall.

Many of his fellow citizens and fellow journalists credited him with a major share in restoring order in the torn community. But his front-page editorials aroused the wrath of white citizens councils.

Mr. Ashmore, 41 years old, is a southerner who preaches that the South must progress to keep pace with history. He said so in a recent book, "An Epitaph for Dixie."

Mr. Ashmore was born in Greenville, S. C. His two grandfathers served in the Confederate Army. He was a lieutenant colonel of infantry in World War II and later a Nieman fellow at Harvard University. He worked his way through Clemson College.

He was a reporter for the Greenville Piedmont and political writer and editor of the Charlotte (N. C.) News before going to Little Rock in 1947.

He was an adviser on civil rights and speech writer for Adlai E. Stevenson during the 1956 presidential campaign.

Mr. Ashmore helped establish the Southern Regional Reporting Service to give the Nation a clearer story of the integration problem. He also edited a book on The Negro and the Schools, financed by the Fund for the Advancement of Education of the Ford Foundation.

He married the former Barbara Laier of Boston in 1940. They have a daughter, Anne Ashmore, 12, who attends a Little Rock public school.

Mr. FULBRIGHT. Mr. President, I cannot take my seat without also paying tribute to the advisory committee of the Pulitzer award, for their wisdom in giving a special award to Walter Lippmann. As we know, he is a regular contributor to many newspapers, and I believe him to be one of the finest writers and wisest analysts we have in the journalistic field today. I congratulate the advisory committee on the wisdom of that award also.

STATEMENT MADE BY SENATOR JOHNSON OF TEXAS BEFORE THE SPECIAL COMMITTEE ON SPACE AND ASTRONAUTICS

Mr. ANDERSON. Mr. President, I have just returned from the first hearing of the Special Committee on Space and Astronautics. It was opened with the very fine statement by the able majority leader, the Senator from Texas [Mr. JOHNSON], who is chairman of the special committee. I ask unanimous consent that the statement of the majority leader may appear in the RECORD at this point, in order that Members of the Senate may know of the circumstances under which the committee began its work.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

OPENING STATEMENT BY CHAIRMAN LYNDON B. JOHNSON BEFORE THE SENATE SPECIAL COMMITTEE ON SPACE AND ASTRONAUTICS MAY 6, 1958

We are here today to begin consideration of legislation which will create a Federal agency with the specific responsibility of guiding the Nation in the exploration of outer space.

I believe it is entirely fair to say that seldom, if ever, has a Congress and an administration faced a more challenging task.

We are dealing with a dimension—not a force.

We are dealing with the unknown—not the known.

While the present is urgent, the real imperative is the future.

What we do now may very well decide, in a large sense, what our Nation is to be 20 years and 50 years and 100 years from now—and, of no lesser importance, our decisions today can have the greatest influence upon whether the world moves toward a millennium of peace or plunges recklessly toward Armageddon.

A decade ago the Nation and the Congress were faced with the very great challenge of instituting policy with regard to the new force of nuclear fission. Then, as now, questions of peace and war dominated our thoughts and discussions, but it is inappropriate and irrelevant to draw an extended parallel between these two eras.

The challenge of the atomic age, at the beginning, was to harness a vast destructive power to prevent its use in war.

The challenge of the space age, at the beginning now, is to open a new frontier to permit its use for peace.

Twelve years ago much of our attention was dedicated to choosing between civilian control or military control. I believe that choice is not really before us now. On all sides, there is wide agreement that while space adds a new dimension to the technology of weapons and the strategy of security, the ultimate opportunity of space is not that of final battleground. Free men have no intention of rattling sabers among the stars.

It is appropriate and heartening, I think, that we begin this work now on a base of unity and broad agreement rather than on a base of disagreement and contention. I see no reason why this spirit cannot be maintained.

The primary legislation before the committee is legislation drafted by the advisers to the Chief Executive. It has been introduced here, upon request, by myself and by the Senator from New Hampshire, Mr. BRIDGES.

I know, on the part of the sponsors and I believe on the part of the authors, there is full expectation that public examination and discussion of the terms of the legislation can contribute many strengthening recommendations.

Such constructive contributions will be welcome from any source.

I believe it is well to say, however, that this committee wishes to confine its deliberations to the issues which are most pertinent and most in need of immediate attention.

We could, of course, receive extensive and all but endless testimony about the possibilities and probabilities of outer space and what it may mean in a technical way. However, more than 6 months ago a committee of this Senate undertook an extensive and exhaustive study of that kind. The record of that study is published and the Senators are familiar with it. No substantial purpose would be served by devoting further time to repetition of such testimony.

Furthermore, there is in the House an eminent committee led by the distinguished gentleman from Massachusetts, Mr. MCCORMACK, which is holding hearings in the same field. We are not here to duplicate those hearings but to act in accordance with the facts which are presented to us.

One of the important features of our legislative system is that it provides checks and balances and assures that in the course of the legislative process there are a number of points at which proposals must be tested, and whatever is missed at one point will usually be found at another.

What is before us now is not a question of whether we should begin the orderly exploration of space but, rather, the question of how such exploration may best be directed and initiated. We are past the point of studying sketches. It is time to get the blueprints drawn and start pouring concrete for the foundation.

There is an obvious need within our Government for a structure and organization to give purpose, direction, and impetus to the

national effort. That is what this committee is here to consider and to recommend.

We cannot expect and do not expect to resolve this question for all time to come. Knowing as little as even our best minds know about space, it would be the height of vanity for us to suppose that we could—in an age not yet 12 months old—settle national policy for decades or centuries ahead.

On the contrary, our particular challenge—as I see it—is to devise a pattern which encourages rather than inhibits the full response of American initiative to the infinite challenges of outer space.

If we create the agency which the challenge requires, it will be unlike rather than like anything now existing in the Federal Government. Certainly, it will require the closest attention from the Congress in the years immediately ahead to make certain that this potential is fully realized. For that reason, we must also make provision for Congress to give permanent attention to this new enterprise.

Space, as I said, is a new dimension. Hence, it in no way detracts from or usurps the role of existing agencies or the programs or committees but, rather, it adds to and greatly expands the role of each. In fact, if our blueprints are proper and our building adequate, we should assure that after this period of transition there will be a diminished need for special agencies and special committees to deal with space.

Space affects all of us and all that we do; in our private lives, in our business, in our education, and in our Government. We shall succeed or fail in relation to our national success at incorporating the exploration and utilization of space into all aspects of our society and the enrichment of all phases of our life on this earth.

SMALL BUSINESS NEEDS BOLSTERING

Mr. JOHNSTON of South Carolina. Mr. President, yesterday I placed in the RECORD an Associated Press dispatch from New York City which shows that the net profits after taxes for nonfinancial businesses are running 33 percent behind similar earnings of 1 year ago.

Three out of four corporations are falling behind, and more and more such firms are now using red ink.

It is imperative that something be done immediately to bolster small business.

One of the most important links of the American economic system is small business. When we trace the history of the business and industrial giants of today, we will find they had humble origins.

Not only that, but we will also find that big business is dependent in a large measure upon small business as suppliers. Small business, healthy and flourishing, is essential to the prosperity and stability of our Nation. It is therefore with concern that I witness the increasing casualties in American small business.

Mr. President, Dun & Bradstreet reports that small businesses are being snuffed out in the United States at the rate of 306 a week, or upward of 16,000 a year. This is most regrettable not alone because of the human problems involved, but also because of the economic trend it confirms. In my own State of South Carolina small-business failures are up 607 percent for the past 6 years over the previous 6 years.

America cannot afford such a failure rate in small businesses. The loss measured in human and economic suffering is appalling. The spread of this economic virus can poison our whole economic system if we do not act positively to check its spread.

Since colonial times, small business has represented the ingenuity, courage, imagination, and hardihood of our people. Our country's growth was nurtured by multiple small businesses, visible signs of our people's confidence in the future growth and prosperity of our Nation.

South Carolina bears eloquent witness to the fruits of small business. South Carolinians, independent and self-reliant, have largely built their State's economy on small business, demonstrating creativeness and independence. It has been a story of determination in the face of obstacles.

Mr. President, it is understandable, therefore, that South Carolina is especially concerned with the plight of small business in the United States today.

From experience we know that things are not right, so far as small business is concerned. Changing conditions, the rapid increase of mergers, the concentration of economic power in industrial and business combines, high taxes, and lowering incomes—all of these work against the sound, broad base of the Nation's economic system, which has its most solid foundation in a healthy situation for small business.

It is apparent that our Government needs to take certain minimum steps immediately to protect small business and thus insure the broad, national base so essential to the health of our economy.

One of the first helps needed for small business is provision of an adequate credit fund so that small-business enterprises will not lack the moneys required for operating capital at a time when money is tight. I am aware, of course, that the Small Business Administration is authorized to make loans to small business and that a fund has been set up for that purpose.

It is apparent, however, that more needs to be done along this line. Small business has need of just more than emergency loans; it needs equity capital and long-term credit. Legislation to this end has been submitted to Congress, and I urge that it be given the speediest handling consistent with thorough consideration.

Another necessity on the credit front is that we must make absolutely certain that the time for handling the paperwork for small-loan applications is cut to an absolute minimum. When a small business needs money, it needs it in time to do the most good. We cannot tolerate a condition which would allow the patient to expire while help is delayed through redtape.

Small business should be permitted faster tax writeoffs for machinery purchased to modernize plants and bring the various businesses into the best competitive position with foreign countries which give their industries quick amortization. It is to our national advantage to have small business as efficient and productive as possible, and every reasonable incentive should be given it.

Mr. President, nothing should be left undone to see that small business gets a maximum share in Government contracts, military and "housekeeping" contracts alike. More emphasis and closer vigilance need to be exercised in the matter of "set-asides" for small business in all Federal procurement. Only in this way is small business given a "fair shake" to get its equitable share of Government business. At this time I call upon the Eisenhower administration to insist upon maximum placement of contracts with small-business firms as the procurement pace is accelerated in the closing weeks of the fiscal year.

I suggest a stepped up information program, so that every small-business man in the land will have the opportunity to know what is being done by and through the Government to aid him at this time. The widest possible distribution should be made of contracts available for bid, of loan procedures, of new products, and any and all information that will better equip the small-business man to ride out this period of recession. Too many times lack of information or direction has held back small companies from obtaining contracts or other work which they could have done.

In the same vein, I suggest that we consider the establishment of management, finance, and distribution clinics so that small business will have the benefit of the most up-to-date and efficient methods and operations in these several fields.

Similarly, we should be thinking about the promotion of research facilities so that small business may enjoy the fruits of research which plays such an important role in the realm of big business. The average small business operation cannot afford the luxury of research, but the total volume of small-business operations in our economy warrants an overall approach to cure this deficiency.

So, too, must we be thinking about small business getting the full benefits of the various vocational training programs throughout the land.

Not the least important task confronting us in our aim to assist small business is that of insuring a vigilant watch on mergers of big business and industrial combines. No one is against bigness as such, but we must be careful that the public interest is not trampled underfoot in the spread of merger fever that has swept the business community during recent years. The duty to be vigilant in this respect has been ever present, but existing economic conditions make it imperative that small business be protected against the inequities of overpowering competition.

These are matters which require immediate attention. I earnestly hope the administration will take steps to adopt these several suggestions so that small business will be constructively assisted at this time when the margin of success or failure is so narrow for thousands of small businesses.

ACCELERATED RECLAMATION CONSTRUCTION PROGRAM

Mr. ANDERSON. Mr. President, I ask unanimous consent that the Senate

proceed to the consideration of Calendar No. 1533, Senate Resolution 299.

The PRESIDING OFFICER. The resolution will be stated by title, for the information of the Senate.

The LEGISLATIVE CLERK. A resolution (S. Res. 299) for an accelerated reclamation-construction program.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which was read, as follows:

Whereas there is now urgent need for additional supplies of water for irrigation and related multiple purposes by the increasing population in the 17 Western States under the reclamation program; and

Whereas hearings and reviews by the Committee on Interior and Insular Affairs have demonstrated that these urgent needs can be met even in part only by speedy completion of Federal reclamation projects and the start of new construction in other areas; and

Whereas there is acute unemployment in many of the areas where these projects are under construction or planned, and also in the industries and services throughout the Nation that supply the materials and equipment for project construction; and

Whereas the sense of the Senate, expressed in Senate Concurrent Resolution 68 and Senate Resolution 148, is that construction of civilian public works should be accelerated, and that expeditious progress should be made in the conservation and development of the Nation's land and water resources; and

Whereas hearings before the Committee on Interior and Insular Affairs have demonstrated that many urgent water needs can be fulfilled, and the acute local and widespread unemployment can be met in part at least by new starts in the construction of additional authorized projects along with acceleration of developments already under way; and

Whereas the President of the United States on March 12 sent to the Congress $45,773,000 in supplemental appropriation estimates for fiscal year 1959 for reclamation projects under construction, and $25 million for a loan program under the Small Projects Act principally for rehabilitation of existing non-Federal irrigation projects, but abstained from recommending any new starts; and

Whereas the committee commends the President for recognizing in his supplemental estimates the urgency for providing additional funds for the upper Colorado River storage project (including $14 million for Glen Canyon Dam, $7 million for Navaho Dam, and $8 million for Flaming Gorge Dam, $7 million for Trinity division, Central Valley project, California, and varying amounts for other going construction projects); and

Whereas there are other critical areas in the West in addition to those included in either the original or supplemental estimates where the need is equally urgent for acceleration of reclamation construction especially with respect to so-called new starts of reclamation developments: Now, therefore, be it

Resolved, That it is the sense of the Senate that Federal reclamation project construction during the fiscal year 1959 should proceed that year at the rate of approximately $330 million (a 50 percent increase over the total of original and supplemental budget estimates, including limited additional funds for general investigations and advance planning) and that construction should be started on not less than 20 additional authorized projects, with preference to those developments where engineering has been completed and actual work can be begun promptly; and that consideration be given to prompt authorization of additional feasible reclamation projects that will contribute to the objectives of this resolution.

Mr. ANDERSON. Mr. President, in a moment we shall have a quorum call. But, first, let me say that I have reached an agreement with the minority leader that a small amendment can now be brought up.

I offer the following amendment: On page 3, in line 4, after the word "a", strike out "50" and insert in lieu thereof "40."

The PRESIDING OFFICER (Mr. CLARK in the chair). The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, in line 4, after the word "a", it is proposed to strike out "50" and to insert in lieu thereof "40."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico [Mr. ANDERSON].

The amendment was agreed to.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEVENTIETH ANNIVERSARY OF FOUNDING OF INTERNATIONAL ASSOCIATION OF MACHINISTS

Mr. HUMPHREY. Mr. President, it is pleasant indeed to have an opportunity to take a few minutes away from the perplexing problems, national and international, which have marked this 2d session of the 85th Congress as one of the hardest working sessions in the history of the United States, to recognize a worthy institution in our great and free society, and to pay tribute to an organization which symbolizes that institution.

The institution is the free and democratic American labor movement and its natural companion—collective bargaining. The organization is the International Association of Machinists, one of the largest unions in that movement. The occasion is the 70th anniversary of that organization. For, just 70 years ago today in Atlanta, Ga., 19 railroad machinists secretly organized a local union which later became Local Lodge No. 1 of the International Association of Machinists.

During the past year or 15 months, we have been hearing and reading a lot about the labor movement. Most of what we have heard and read has been bad, as witness after witness has paraded before the Senate Select Committee on Improper Activities in the Labor or Management Field—often before the harsh lights and penetrating lenses of television—to testify to the sins of a relative handful of union officials who have been accused of betraying their trust, and as one after another of those accused officials has been subject to the crossfire questioning of committee members, committee counsel, and committee investigators.

I do not know of anyone who denies that much of the work of the select committee has been valuable, especially to the American Federation of Labor and the Congress of Industrial Organizations, which embarked immediately after the merger of the former AFL and CIO nearly 2½ years ago on a campaign to banish corruption, communism, and other corroding influences from its ranks. I know that I, and I consider myself as a friend of the union members of this Nation, believe that in many ways the work of the select committee has done much to assist the labor movement in its worthy aims in this regard.

Unfortunately, however, many of the improper activities which the committee has uncovered have been misunderstood by many, and, what is worse, deliberately misused by a few, to create within the mind of the general public a picture of wholesale graft and corruption within the labor movement as an institution.

That is why I welcome the occasion of the 70th anniversary of the International Association of Machinists as an opportunity to pay tribute not only to that particular organization, but to the greater labor movement which it portrays much more accurately than those unions which have been investigated during the past year or 15 months. I am proud that one of the great organizations in the State of Minnesota is the international machinists organization.

Labor is not, as so many people would like us to think, a tight little family of a few labor officials whose names are well known in the press and to the public. It is a vast and complicated family made of 190 national and international labor organizations. Not all of them are affiliates of the AFL–CIO. Each union, national or international, is made up of hundreds, or perhaps even thousands, of local unions and other organizations. For example, the International Association of Machinists alone has nearly 2,100 local unions organized in thousands of communities in the United States, its Territories and possessions, and in the Dominion of Canada. These local lodges vary in size from 25 members up to 4,000 and 5,000 members. Many of these lodges—that is the term to which they are customarily referred—have come together into district lodges on a geographic basis, such as a city and its suburban areas; on an industry basis, as in a large aircraft plant; or on a transportation-system basis, as on a railroad or airline.

In addition to these basic forms of organization, there are such other organizations with which local lodges may be affiliated, such as State and regional councils, industry conferences in such industries as aircraft, guided missile, and atomic energy. Each of these organizations occupies a well-defined position within the structure of the international union and each possesses a considerable degree of autonomy of operation; their basic function being to give the members a chance to formulate their needs and desires for collective-bargaining purposes and to keep the international

informed of and responsive to their needs and wishes.

A few blocks down Pennsylvania Avenue on the right-hand side of the entrance to the National Archives there is carved this bit of wisdom, "To know the future, study the past." To understand what the labor movement is and where it is going, let us glance briefly into the past of the labor union which is celebrating its 70th anniversary today. Let us try to see what made it grow for 70 years from 19 railroad machinists in Atlanta, Ga., to an organization of nearly a million members working in such diversified industries as business machinery, machine tools, aircraft, air transport, automotive repair, atomic energy, shipbuilding, ship repair, and any number of others.

First of all, it seems to me that an organization which has grown and developed so extensively in such a period of time must have filled a need.

What was the need?

The best way to gage it is to look into the mind of the man who sparked the action of his 18 companions on May 5, 1888, as it is revealed in his notes and writings. Tom Talbot—he was the man—was two things above all else. He was a skilled journeyman, and he was proud of his skills. Incidentally, that is something which could be well emulated in this period. And he was a husband and father solicitous of his family's well-being, with ambitions for his children's opportunities.

In 1888, Tom Talbot and his fellow machinists were not doing very well economically and in other ways.

American industry was already in the full bloom of mechanization and the managers of industry tended to look upon skilled machinists as mere tenders of machines. This was a blow to the dignity and pride of the craftsman, especially when his employer hired men with little skill and no training and made them his equals on the job. Also, because of the low esteem in which skills were held in a developing machine age, management paid little to their possessors, and 15 cents an hour was considered by employers as an adequate recompense for journeymen machinists.

As a person, Tom Talbot was dissatisfied. I use this gentleman's name, because in a way he symbolizes the item to which I wish to address myself today. He resented management's lack of appreciation of his hard-gained skills, and he resented wages so low that he could not provide adequately for his family. He was especially concerned that his son, who had ambitions for higher learning, would have to quit school at the end of the eighth grade and go to work. His reasons for wanting a union were very simple and basic. He wanted to protect the dignity and the quality of his craftsmanship, and he wanted to earn enough money so that his son might go to high school. Those were his personal reasons.

Other machinists of the time may have had different reasons; yet, somehow they all related back to those two things—pride of craftsmanship and the desire for a fair and equitable wage.

Because the newly organized union met a need common to men in the machinist trade everywhere in North America, it grew and prospered in numbers, in status within the growing labor movement and, gradually, in influence beyond the labor movement itself. By 1918 1 of every 8 union members in the United States was a member of the machinists' union.

This growth was slow and steady and it was made in the face of influential and, I regret to say, sometimes violent, opposition.

In 1901, for example, 50,000 machinists throughout the United States were forced out in a struggle to gain the 9-hour day in the metal trades industry. Within a dozen years of that strike the employers' organization against whom it had been waged boasted an arm of one-half million certified strikebreakers. Opposition was not confined to the ranks of employers who preferred to see their employees unorganized. In 1913, refusal by a group of New York machinists to install printing presses made in the plant of an antiunion employer, led to an 8-year injunction fight which ended in the historic Supreme Court decision in the case of Duplex Printing against Deering. Only the dissent of the famous team of Holmes and Brandeis promised labor eventual freedom from the bonds of the restrictive injunction in labor-management disputes.

During the 1920's the machinists' union, like most of its sister unions, fell victim to the successful open-shop drive of that decade, and membership fell from nearly 400,000 in 1918 to less than 100,000 in the late 1920's.

But the machinists had been building soundly and broadening the base of their membership and the scope of their services to their members. Originally, membership had been restricted to qualified journeymen machinists. But changing times demanded changing methods and the union was quick to respond to the requirements of change and progress. In 1903 specialists—single machine operators—were admitted to membership. Two years later, apprentices were admitted and in 1911 the hitherto all-male union opened the door to women.

Meanwhile the machinists had not been blind to the threat against all free institutions which had come into being in Russia in the Bolshevik seizure of power. In 1924, the machinists banished Communists from membership.

In this day and age it is well to take note of exactly what organizations in American life were the first to see the menace of totalitarian techniques and totalitarian power. The action of banishing Communists from membership, by the way, was taken at or about the same time by most of America's leading trade unions. Later on, as other specters of totalitarianism arose to threaten the free and freedom-questing peoples of the world, the membership ban was extended to include followers of such philosophies and those who aided and abetted them.

Throughout the first 40 years of its existence, the machinists' union, in good times and bad, along with other organizations in the labor movement, had been working to perfect the techniques of collective bargaining which stand today as one of the great bulwarks of our free enterprise system. It faced the opportunities of the mid-1930's with inner strength, with experience and with conviction, dedicated to that particular type of economic action which marks the American labor movement as different in major respects from the labor movements of other parts of the world. And those familiar with the goals and history of the American trade union movement realize that its most distinguishing mark is its dedication to perfecting and developing what we like to call our free way of life to the end that all of us may share equitably in its opportunities and its rewards.

I note again, Mr. President, that the American labor movement has not sought to take over industry. The labor movement has sought only tc secure its fair share of the rewards of industry.

This, in very brief form, is the history of an American labor union. This is why it came to be, and how it grew to become one of the largest unions on the North American Continent.

Now the question is, What is it today? How does it practice the democracy on which it was founded? How does it serve the interests of its membership whose dues provide its resources and whose spirit gives it life?

It seems to me, in the light of the discussions which have taken place in the Senate, it is well to have a case study of a particular organization such as the one I am describing today.

I have already described the complicated and autonomous internal structure of the International Association of Machinists—its nearly 2,100 local lodges, its 164 district lodges, its councils, and its conferences.

Now let us see how a local lodge operates. Under the structure of the machinists' union, as in most other unions, the local lodge is the heart of the union's democracy, and the focal point of its primary activities. Under the constitution of the machinists' union, local lodge charters may be issued to a group of 35 or more members working in the same plant or shop or in a group of related small shops. The local enjoys a high degree of autonomy. Here the members elect their own officers once a year at the first regular meeting in December. There are two regular meetings every month, of which members are notified in ample time to make attendance possible. Here, also, the members discuss proposed demands to be submitted to their employer or employers for negotiation. Here they vote to accept or reject the employer's offers. And if negotiations are rough, here they decide as to whether they will invoke their basic right to strike for more favorable wages or conditions. And at the local lodge, too—under the constitution of the machinists' union—the members vote on proposed changes on their international's basic laws and cast their ballots every 4 years for their international's officers. I note this action is

taken at the local lodge level, and not at the highly selective convention level.

Since, under the modern system of industrial relations, collective bargaining is the primary function of a labor union, let us see how a group of machinists goes about the job of improving wages and conditions at their place of work.

Throughout the period since their last agreement was negotiated, the union, through its shop stewards and committeemen, has gathered a great deal of experience in the strengths and weaknesses of the existing agreement. Grievances have arisen and have been disposed of, indicating weak points or misunderstandings in the current agreement. On the basis of this experience the members have a good idea of what changes are necessary to plug existing loopholes. In addition, the members have been formulating in their own individual minds, the need for certain changes in wages—an increase to offset a rise in the cost of living, for example—another increase to give them a share in the increased productivity of the plant to which they feel, rightfully, that they have contributed. If there is a health and welfare plan—and there generally is these days—many of the members undoubtedly believe that an increase in the benefit schedule is essential to meet the rising cost of medical and hospital care. And so it goes with a series of specific matters relating to economics and working conditions in which each member has an individual stake.

The job of consolidating the sum total of the various individual experiences, desires, and requirements of the various members into one set of demands to be submitted to the employer, is given to a negotiating committee made up of members of the local lodge.

If the local union is large enough it may have its own paid and elected business representative. Or, it may be affiliated with a district lodge and have access to the services of a business representative employed by that organization. Backstopping this local structure, the international union has a staff of some 160 grand lodge representatives whose services are available when the locals want assistance in formulating bargaining demands and negotiating agreements. It also maintains a research staff to provide economic materials to local lodge negotiating committees. In the final analysis, however, the work of preparing the demands to be submitted to the employer is the job of the local lodge negotiating committee, which is directly responsible to the members who elected the committee.

When the proposed set of demands has been drawn up by the committee, it is taken before a meeting of the local lodge for discussion and ratification; and only after the proposed demands are accepted by the local lodge members, it is ready to be submitted to the employer. Then the work of negotiating is underway.

The negotiating committee assisted, perhaps, by a business representative or a grand lodge representative, keeps the membership fully informed at every important step during negotiations, and periodic meetings are held to consider and act upon specific demands of major importance.

If, at any time during negotiations, the members feel that they must give evidence of their determination to get certain specific demands, they come together in a specially called meeting to vote to seek the permission of the international to go on strike.

In order that a local may be able to exercise the right to strike, it must, first of all, take up its request with the appropriate international officials, who have a responsibility to the American economy and to American industry.

Under the constitution of the international, three-fourths of the members present and voting must vote in favor of a strike before it can be ratified. If the necessary majority approves the strike, a special form is prepared seeking the permission of the international. In addition to informing the international of the action of the membership in approving the strike by the necessary three-fourths majority—and, incidentally, under the machinists' constitution, the strike vote must be taken by secret ballot—the form also lists the specific issues involved. This form, properly filled out, is mailed in to the international headquarters and the question of whether or not to grant the local permission to strike is submitted by mail or telegram to the executive council of the international, which is made up of the international president, the general secretary-treasurer, and nine general vice presidents, representing various geographical areas of the Nation and the major trades involved. If a majority of the council approves, the international so notifies the local lodges and it is then assured of the support of the international. I again say I believe that this description of a union in action is necessary at this juncture of the discussion in the Congress relative to important legislation which we shall be called upon to consider at a later date.

When the union's negotiating committee and the employer are in substantial agreement on all major points, the entire proposed agreement is submitted to the membership of the local and discussed, and approved or rejected.

Thus at every step during the negotiating procedure, from the initial work of drafting the proposed demands to the final acceptance of a new agreement, the membership of the local is in full command. The only influence exercised by the international throughout the entire procedure is a rein on the membership on the question of a strike. Again I note that in instances in which such action is taken there must be a secret ballot. A majority of at least three-fourths must support the request to the international, or no strike action can be taken.

The same degree of autonomy and democracy which marks the control of the local membership in collective bargaining matters, is evident in all other phases of the union's activities. As I noted earlier, the members of a local lodge in the machinists' union elect their own officials annually in open meeting—a type of town meeting "democracy" which remains in very few of our institutions today. This same type of direct democratic control is carried as far as possible and practical to all other phases of the union's activities. The machinists seem to prefer direct to representative democracy, and they practice it at every possible opportunity.

For example, the supreme governing body of the international union is the grand lodge convention, which meets every 4 years. It was my privilege several years ago to attend one of such conventions. I believe it was held in Kansas City.

Each local lodge is entitled to at least one delegate to this convention, and additional delegates according to the number of members in the local union. These delegates, like the lodge officials, are elected directly by the membership. The convention, itself, is truly a convention of the delegate body; the participation of the international union officers being limited to accounting for their stewardship of the union's affairs during the past 4 years and chairing the convention. No paid international officer may be a convention delegate. The international officers may have the privilege of the floor only with the expressed consent of the delegates.

The convention hears, discusses, and recommends on proposals for changes in the international union's basic laws and policies. But its recommendations may not take effect until they have been approved by the full membership in a direct referendum. The convention has no authority, nor does it participate, in the election of the international union's officials. Rather, in the spring of the year following the convention, the union's international president, general secretary-treasurer, nine general vice presidents, members of the law committee, and delegates to conventions of the AFL–CIO and the Canadian Labor Congress are elected by general membership referendum. Balloting is held at the two regular monthly meetings of each local lodge during the month designated for elections or referendum voting. Ballots are tallied at the local lodge level and then sent in, together with copies of the tally sheet, to the international headquarters where they are again tallied and checked. The results of voting on referendum questions are published, lodge by lodge, in the union's official publication which is mailed directly to the residence of every good standing member. The results of elections of international officers are similarly published. The ballots are held at international headquarters for 6 months after the final count for use in the event of question or challenge.

Local and district union officers may be called to account for their administration of union affairs at any time during their tenure of office through the charge and trial procedure outlined in the constitution of the international union. That constitution also provides for the recall of international union officials in the event that a group of members feel that any one of them is not fulfilling his obligation properly.

Thus at every level of organization, from the committeemen who represent them daily in the shop to the interna-

tional president, the members of the Machinists' Union have a direct and continuing control over their officials.

The members of the union are as careful in their control of the union's financial affairs as they are in the making of its policies and the election of its officials. Accounts of local lodges must be audited quarterly by a commitee of rank and file members elected specifically for that purpose. They are aided by trustees who are elected by the local and have direct responsibility for its assets.

Local lodges also have available the services of a group of traveling auditors provided by the international union. These auditors have the right to check the books of any local or district lodge on their own initiative without invitation or advance notice. In the same manner, the books of the international are audited semiannually by a committee of rank and file members. The membership of this committee rotates every 6 months. The results of the audit are published in the union's official publication which is, as I mentioned before, mailed directly to the residence of every member in good standing.

Mr. President, I have seen this union democracy at work among the 16,000 Machinists' Union members in my own home State of Minnesota, and I know the kind of men and women who demand and practice this kind of democracy. That is why I am making these remarks today in the Senate. I have watched this union grow and I am proud that it has been such a strong force for democracy and good government and law and order in the State of Minnesota. The members of the union are alert and responsible citizens in the fullest sense of that word. They built the union primarily to further their own economic futures where they work, to be sure, but they did not stop there. The sociologists may talk about the economic man, the political man, the family man, and split us up into all sorts of categories and segments; but a man is a whole person, and the machinists' member, like any member of a labor organization, uses the union which has helped him achieve justice and dignity in his economic life to further his interest in other areas of activity, and he uses it to contribute to the welfare of the community—local, State, and National—in which he works and lives.

He uses it, for example, to educate himself and function intelligently in matters legislative and political. This may cause raised eyebrows in certain quarters, but it is a perfectly natural and proper function for an organization of working men and women. They have a great stake as citizens and workers in the kind of laws that are passed and the way they are administered. They have every right to know the record of the men who represent them on the city council, in the State legislature, and in Congress. When their union gathers information on the issues, and when it keeps tabs on their elected representatives, it is serving them not only as workers, but as citizens. This is democracy in action. We cannot have responsible government without an alert and informed electorate.

Anyone who thinks that union members are herded about in their political views by a few national union officials, just does not know union members the way I know machinists in Minnesota. They demand and they get from their local, district, State organizations, and international headquarters all the information they can on legislative issues, voting records and other indications of performance. On the basis of this information, they can make intelligent decisions on the issues and the candidates. They perform a great service for our Government by getting their fellow members and their fellow citizens, at large, to register and go to the polls on election day to fulfill their responsibilities as citizens. And I think that our democracy is better and stronger because of the political education programs of the machinists' union and the other unions in the American labor movement. Political and legislative action by labor unions is as old as the American labor movement itself, and we owe a lot of the strength of our society today to the leadership which the labor movement has given over the years to the establishment of such institutions as free public schools, social and labor legislation, and the direct election of Senators, just to mention a few. All of us have benefited directly from organized labor's interest and action in such matters.

Many of us in this Chamber know, from direct experience, the full social breadth of labor's interest. We know from personal contact with representatives of the machinists' union, for example, and from our work on various committees, of that union's interest in such matters as housing, small business, medical care, international affairs, farm legislation, as well as legislation directly affecting working men and women and their unions.

I believe it is about time that the American people heard again that the champions of public education from the very beginning have been the free trade union organizations of the Nation, the rank and file members, who took up the cause of public education and fought for it and worked for it and sacrificed for it from the very beginning of the educational system of our country down to this date.

I am proud to state in the Senate that the great machinists' organization in the State of Minnesota stands four square and firmly with that great farm organization in our State, the Minnesota Farmers Union, in support of an effective farm policy for our farm families. There is no division of interest. There is unity of interest and unity of purpose.

Beyond this broad interest in legislation, those of us who are concerned with international affairs know of the tremendous work that the American labor movement has been doing in combating the spirit of communism on the world scene. Through its representatives abroad, it is cooperating with the free labor movement in other countries to combat communism by rooting out the poverty and exploitation which provide the seed bed for that dank and noxious weed. I know from personal experience that the Machinists' Union has been in the forefront of this phase of American labor's service to freedom, and I understand that the Machinists' International representative will serve as the United States worker delegate to this year's session of the International Labor Organization in Geneva, Switzerland.

I wonder how many Members of Congress have spoken to the American people about the millions of dollars which free American trade unions have expended, of their own members' funds, not to elect Members of Congress, but to fight communism in Italy, France, and in every country of western Europe. I wonder how many Members of Congress have pointed out that hundreds of thousands of dollars have been contributed by American working men and women to fight communism in north Africa—in Morocco and Tunisia and Egypt—and in other areas of the world. As we expose those who have been guilty of misusing their powers and those who are guilty of corruption and racketeering—and I am in favor of exposing them and I am in favor of punishing them—let us also herald and proclaim and praise some of the men and women in the labor movement who have contributed their nickels and dimes and quarters and dollars to help the American Government in its mighty struggle against international communism throughout the world.

I say that very few organizations, if any, have done so much for the cause of freedom throughout the world as the American labor movement has done with the generous contribution of funds of its members, and by the extraordinary capable men and women who have been willing to go to far off places and lead the fight in the factories and in the shops, not in the pleasant surroundings of hotels and palaces and clubs.

I have been speaking so far about an organization and the nearly 1 million men and women who make it up. I want now to speak about one man. It is one of the great attributes of democracy, I think, that the democratic process produces leaders who are embued with the spirit of justice and freedom and who typify and reflect, to a great extent, the qualities of the men and women who raise them to office. Such a leader is the international president of the machinists' union, Al Hayes. I have known him for quite a few years now. I admire him for his personal qualities and for his personification of what is good about the American labor movement. Al Hayes is, first of all, an American. Then he is a machinist. He went to work to learn the machinist's trade as soon as he completed high school in his native city of Milwaukee. I understand that his early ambition was to become a lawyer, but economic circumstances dictated that his formal education would end at his high school graduation, although he did take some University of Wisconsin extension courses later. I wish no man hard luck, but I am rather glad that Al Hayes' ambition to become a lawyer was never realized. He would have been a good lawyer, I am sure of that, but if he had become a lawyer, his union and the country would have been denied his services

in his present position. And that, I think, would have been a loss.

Early in his working career, Mr. Hayes gave evidence of that interest in the problems of his fellow men and those qualities of organization and leadership which have brought him to where he is today. He had just embarked upon his career as machinist's apprentice when he became chairman of the apprentice boys' committee in the shops of the Milwaukee railroad where he worked. As soon as he had finished his apprenticeship, he became active in the local lodge of the machinists' union in which he held membership, and 4 years later he was president of the machinists' district lodge No. 7 which was made up of all machinists' locals on the Chicago & North Western Railroad system.

After 10 years in this capacity, he joined the staff of the international. Fifteen years later, in 1949, he was elected president of his union and he is now just completing his first year of his third term of office. Al Hayes' service to the labor movement has made him intimately familiar with every phase of activity in a labor union. But more important, I think, is his career of public service, for it is almost the trademark of a good labor union and a good union leader, that public service is inseparable from the economic functions of unionism.

His service to the Nation and the community may be summed up briefly in the positions which he holds in the Government and in civic organizations. He was a member of the National War Labor Board in its Chicago office during World War II. He served as Special Assistant on Manpower at the Department of Defense during the Korean crisis. He was a member of the President's Commission on the Health Needs of the Nation in 1952 and the President's Committee for the White House Conference on Education in 1955.

He is a trustee of the National Planning Association, and a member of the National Manpower Council of Columbia University, the President's Committee on the Physically Handicapped, and the National Citizens Council for Better Schools, to name a few of his current affiliations. He has just recently become a member of the executive committee of the Committee for International Economic Growth. He finds time for all this outside activity in addition to the demands of his office as president of his own union, and the extremely heavy responsibilities he bears as chairman of the AFL-CIO ethical practices committee. This breadth of interest, this dedication to the greater public good, is the true mark of a man and of the type of organization which helped produce him.

Many other Senators are privileged, as I am, to know and to work with Al Hayes and with other members and officials of the machinists' union. Others among us, I am sure, know the reputation of that organization. All Senators, I feel certain, will join me in wishing the machinists' union and the American labor movement many more years of progress and success.

This is not completely an unselfish wish, for we are all, in some measure, dependent upon the American labor movement for our future progress and well-being. The opportunity of working men and women to organize has given them in their economic lives the freedoms we hold so precious in our political lives. The process of collective bargaining has won for them a fairer and more just share of the fruits of their labors, and it has given to American industry the most orderly and the most just method of employer-employee relationship the world has ever known.

Standing in the dignity of free men and women, the organized workers of this Nation have combined their voices and pooled their efforts to win for their fellow man, here and throughout the world, the hope of a brighter future and a chance to fulfill the dream of freedom, justice, and plenty for mankind.

I have spoken as I have today because I sincerely believe that every American wants to understand better the operations of some of our great organizations. None of these organizations is perfect, because they are human institutions. But I sincerely believe it is all to the good that the CONGRESSIONAL RECORD shall have set forth within it at least the working apparatus, the constitutional provisions, and the functional operations of one of the great international trade-union organizations.

I have tried with a sense of fairness and objectivity to lay before the Senate a report on an organization which today celebrates its 70th birthday.

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, I join the distinguished Senator from Minnesota in his brilliant speech regarding the 70th anniversary of the organization of the International Machinists.

Mr. Hayes is a son of Wisconsin. He was born and educated in Milwaukee. Wisconsin is extremely proud of Mr. Hayes, and the magnificent record he has made in the labor movement. He is a fine example of a clean, honest labor leader who has placed his organization in the position of constantly representing not only labor, but the public interest.

Mr. JACKSON. Mr. President, I wish to associate myself with what has been said in the Senate this morning with reference to the distinguished head of the machinists' union, Mr. Hayes. I congratulate Mr. Hayes and the union on the occasion of its 70th anniversary. What stands out in my mind is the fact that under his leadership this organization has taken an interest above and beyond the matters which affect only the members of the union. The organization has taken a keen interest in national and international affairs. I have noted from time to time its support of the foreign policy of the United States, whether under this administration or previous administrations. I think it is the kind of leadership that comes with maturity and understanding.

I commend Mr. Hayes and the International Association of Machinists on the occasion of their 70th anniversary.

Mr. NEUBERGER. Mr. President, I desire to join in the congratulations and good wishes which Members of the Senate are extending today to the International Association of Machinists on the occasion of their 70th anniversary. In my State there are many machinist locals and brotherhoods whose members contribute greatly, with their mechanical skills and ingenuity, to our transportation industry, to logging in the Oregon woods, to our vital lumber production, which is the greatest in the Nation, and to manufacturing generally.

I have been in the homes of many of these men. They are people of high caliber. They have families. They take an interest in schools, churches, and in the civic life of their communities generally. They are people, as the Senator from Washington [Mr. JACKSON] pointed out, of maturity, patriotism, and idealism.

I also want to add these congratulations to the able president of the machinists, Mr. Al J. Hayes.

Several weeks ago I had the privilege of being a speaker at a banquet in New York, along with former Senator Herbert H. Lehman, who was one of our beloved colleagues, under the auspices of the League for Industrial Democracy, when Al Hayes received that organization's annual distinguished citizenship award. I wish to emphasize the fact that Mr. Hayes served as chairman of the ethical practices committee of the AFL–CIO. He had the courage, the fortitude, and the integrity to take the leadership on that committee in expelling the powerful and wealthy teamsters union from the AFL–CIO because of certain corrupt conduct which had been exposed by the McClellan committee. This single act cost the AFL–CIO approximately a million dollars in dues. But Mr. Al Hayes did not flinch from it, because he thought that was the course of duty, of honesty, and of ethical probity.

I desire to join in the congratulations to the International Association of Machinists on this eventful occasion.

Mr. CLARK. Mr. President, when the distinguished Senator from Minnesota was speaking a few minutes ago on the subject of the 70th anniversary of the founding of the International Association of Machinists, I was occupying the chair and was therefore unable to commend the Senator for the splendid address he then made.

Mr. President, I ask unanimous consent that what I am now saying may be printed in the RECORD immediately after the comments of the distinguished Senator from Oregon [Mr. NEUBERGER] which in turn have been ordered printed in the RECORD at an earlier part of today's proceedings.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

Mr. CLARK. Mr. President, it has been my good fortune to have been engaged in public life in Pennsylvania for the past 10 years. The International Association of Machinists, with its many local lodges and its fine State organization, has been observed by me to have participated in the business, labor, and productive part of the work of our Commonwealth in a way which cannot fail

to commend it to the attention of all good citizens.

The machinists are interested in politics, of course, but they are interested in politics because they are American citizens with varied points of view. They are interested in the labor movement, and they are a credit to the labor movement.

The Senator from Minnesota earlier pointed out how effective are the democratic representation procedures through which decisions of the machinists at the various levels, local to international, are made.

It has been my good fortune to know President Al Hayes, of the International Association of Machinists, for a number of years. I should like to confirm everything my colleagues said about the character, the judgment, and the essential and sound Americanism he displays, as well as his devotion to our democratic principles.

Mr. President, I should like to associate myself with the comments made by my colleagues in support of this fine organization, the International Association of Machinists, which is celebrating its 70th anniversary today.

Mr. MURRAY. Mr. President, I wish to associate myself with the remarks made by my colleagues in the Senate with reference to Mr. Hayes and the fine International Association of Machinists. The machinists have a local union in Montana, where I live. I have been acquainted with the officers and members of the union for many years. Those officers and members take an interest in local affairs. They have a high standing in the estimation of the local people.

I know of course in the Nation as a whole the organization stands very high, because of its integrity and because of the splendid relations it has with management.

Mr. ANDERSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Without objection, it is so ordered.

STUDY OF TEXTILE INDUSTRY

The PRESIDING OFFICER. The hour of 2 o'clock has arrived; and the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A resolution (S. Res. 287) authorizing a study of the textile industry of the United States.

ACCELERATED RECLAMATION CONSTRUCTION PROGRAM

Mr. ANDERSON. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate resume the consideration of Calendar No. 1533, Senate Resolution 299.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate resumed the consideration of the resolution (S. Res. 299) for an accelerated reclamation construction program.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

Mr. ANDERSON. Mr. President, Senate Resolution 299, recommending an accelerated reclamation construction program, comes to the Senate with the unanimous recommendation of the Committee on Interior and Insular Affairs.

In brief, the resolution recommends consideration of a reclamation construction program approximating $330 million for fiscal year 1959, with not less than 20 new projects or units of projects to be started. Details are set forth in Senate Report No. 1500.

The resolution also recognizes the need for prompt authorization of additional feasible reclamation projects which will contribute to western water and land development, and urges that recognition be given to this need.

No criticism is made of the policies or programs of the administration in failing to recommend new starts. There is asserted the need for these developments not only to aid employment in the West but to advance water conservation.

The Interior and Insular Affairs Committee calls attention to its recognition that the final decision as to recommendations for appropriations will be made by the able Appropriations Committee of the Senate after detailed hearings and review of the status of each proposal.

The report specifically states that the resolution "in no way seeks to prejudice that consideration and action" by the Appropriations Committee.

The Subcommittee on Irrigation and Reclamation held hearings on the program on March 31, at which the distinguished Secretary of the Interior, Hon. Fred A. Seaton, was the principal witness.

Telegrams, or other communications, have been received from practically all the Governors of the 17 Western States, urging that the reclamation program be accelerated. New projects were recommended in most instances.

Virtually unanimously the Governors endorsed proposals for new starts of reclamation projects. Opposition to new starts by the Eisenhower administration appears to be the main bone of contention.

The committee recommends that new starts be made during fiscal year 1959 on not less than 20 projects, and that the overall program go forward at a rate approximating $330 million a year. Preference is suggested for initiating work on those developments where engineering has been completed to the point where contracts can be awarded and the unemployed put to work promptly.

Report No. 1500, Calendar No. 1533, sets forth the text of the resolution with explanatory paragraphs following. The preamble to the resolution cites Senate Concurrent Resolution 68 and Senate Resolution 148 as expressing the view that civilian public works should be accelerated especially in the field of water and land conservation.

A recapitulation of the totals in the program proposed shows an increased total of 40 percent over the total regular and supplemental estimated for reclamation construction for fiscal year 1959 instead of 50 percent as cited in the resolution. An amendment to correct the percentage has been sent to the desk.

Parenthetically, I may say that in March the President sent to the Congress supplemental estimates totaling $71 million for reclamation construction. This supplement brought the total estimates for construction to approximately $237 million from the original total budget recommendation of about $166 million.

The resolution commends the President for sending up the supplemental estimates but notes he abstained from recommending any new starts.

Insured unemployment in the 17 Western States in April ran as high as 13 percent in Montana. In other States the proportion was somewhat less, but in many areas unemployment presented and still presents critical local and national problems.

With construction to go forward at the rate suggested it is estimated that 50,000 workers will be given or assured jobs at the site of construction or in industries, in services, transportation, and so forth.

The reclamation program also contributes to purchasing power not only of the areas in which projects are located but throughout the country where goods are produced. National, State, and local tax bases are strengthened and the entire country benefits from land and water development projects.

Mr. ALLOTT. Mr. President, I should like to compliment my distinguished colleague and friend, the Senator from New Mexico [Mr. ANDERSON], for his remarks concerning this program. I mean those words in a real sense, not in the rather loose sense in which they are often employed on the Senate floor. It seems to me there is too little knowledge and understanding of the effects of reclamation and the part which reclamation plays in the life of the United States.

I remember that on one occasion my friend, the junior Senator from Arizona [Mr. GOLDWATER], mentioned the millions and millions of dollars the reclamation projects of Arizona had brought to the Federal Treasury by way of increased income-tax payments.

I believe there is a disposition on the part of some persons who are unacquainted with reclamation to view it as a sort of superexpensive boondoggling, or a process to bring more land under irrigation in competition with land which is already under irrigation or already under cultivation.

This is not true. This is the concept which those of us from the 17 Western States must fight. We have to explain reclamation and continue to explain it until the American people understand the real relationship of reclamation to the development of this Nation.

In the first place, most of the moneys expended for reclamation provide a return to the Government either by way of irrigation projects or by way of power projects. This is a fact which should not be forgotten.

For example, with respect to the Fryingpan-Arkansas project now pending in the House of Representatives, 88 percent of the total cost of the project will be returnable to the Federal Government, and the benefits to the Government and to the people of southeastern Colorado over a period of years will run into hundreds of millions of dollars.

With respect to the pending resolution, I cannot, in conscience, be anything but for it, completely and wholeheartedly.

There are several reasons for this, the first of which is that we cannot ignore the fact that business needs to be stimulated. In many parts of the country there is a need for employment. To my mind there is no sounder way to create employment than to lend money for reclamation projects. For the most part, such investment will be returned either by way of power revenues, or by irrigation. The return, in any event, will be manyfold in increased income taxes, increased business, and increased excise taxes resulting from the investment by the Government in these projects.

Mr. CLARK. Mr. President, at some appropriate point in his remarks will the Senator yield?

Mr. ALLOTT. I am happy to yield now.

Mr. CLARK. Can the Senator tell me in how many States reclamation projects are located?

Mr. ALLOTT. Subject to correction, I will say 17. I believe that is correct.

Mr. CLARK. I take it those are States largely, if not entirely, west of the Mississippi River.

Mr. ALLOTT. They are States west of the 100th Meridian.

Mr. CLARK. Where the normal rainfall is somewhat less than in other parts of the country, and where, as a permanent program, irrigation is necessary for successful farming. Is that correct?

Mr. ALLOTT. Partially so, as I shall explain. For example, there are parts of Oregon, California, Washington, and perhaps other reclamation States, where rainfall is sufficient to raise the necessary crops. Unfortunately, neither my State nor the State of the Senator from New Mexico [Mr. ANDERSON] is such a State. However, for the most part, the statement of the Senator from Pennsylvania is true. There are considerable areas in the reclamation States where rainfall is sufficient.

Mr. CLARK. I thank my friend for his explanation. I am sure he is quite correct.

As I understand the resolution, it calls for an expenditure of $330 million of Federal funds on reclamation projects. Is that true?

Mr. ALLOTT. That is correct.

Mr. CLARK. Perhaps we are fortunate in that in the Commonwealth of Pennsylvania there are no problems of this sort involving a shortage of rainfall and the need for irrigation. Yet I venture to say that somewhere in the neighborhood of 10 percent of the $330 million will come from the pockets of the taxpayers of Pennsylvania, who will not receive directly a single benefit from this resolution. Yet I shall vote for the resolution, and shall do so with pleasure, because it seems to me that it is in the national interest.

I have listened with great care to the comments of my friend from Colorado, with respect to the need for improving the employment situation and the need to create wealth by bringing under irrigation land which is now relatively barren. There is a need for increased power in our Mountain States. I am sympathetic with the objective of the resolution, and I believe that it is in the national interest, even though not 1 cent of the taxes which will come from my State to help pay for these projects will ever be returned to the State of Pennsylvania.

I hope my friend from Colorado and his colleagues—I note the presence in the Chamber of the distinguished Senator from Utah [Mr. WATKINS] and the distinguished Senator from South Dakota [Mr. CASE]—will be equally tolerant of the great need to increase employment and the great need to help depressed areas in the Commonwealth of Pennsylvania, when the area redevelopment bill reaches the floor within the next few days.

Mr. CASE of South Dakota. Mr. President, will the Senator from Colorado yield to me?

Mr. ALLOTT. First, let me reply briefly to the Senator from Pennsylvania.

I am very happy the Senator from Pennsylvania is present in the Chamber, because his presence affords us an opportunity, which we do not always have, to explain the real purposes and effects of reclamation.

There is one fundamental difference between reclamation and other public works programs. The cost of reclamation projects is largely repaid to the Federal Treasury. I am sure my friend from Pennsylvania understands the effect and the importance to his State of the dredging of rivers and harbors, and other public works which ordinarily are performed by the Army. Such projects are not reimbursable.

Mr. CLARK. The Senator is correct.

Mr. ALLOTT. For that reason I am happy to have this opportunity to talk with my friend and explain the situation to him. I appreciate his support and his clear thinking on the problem. I assure him that we have the same consideration for the acute situation which affects the people of his State.

I now yield to the Senator from South Dakota.

Mr. CASE of South Dakota. Mr. President, perhaps I can give a little reassurance to the Senator from Pennsylvania. One of the dams being built in South Dakota is known as the Oahe Dam. It is a very large dam on the main stem of the Missouri River. It is costing many millions of dollars to construct.

During the past two weeks a contract was let for some generators. As I remember, the contract was in the amount of approximately $9,800,000. It was awarded to the General Electric Co. It involved the purchase of some generator equipment. So some of the money spent for the conservation or storage of water to be used for irrigation goes back East. Certainly a $9,800,000 contract is a substantial contract, and should provide for some employment in the industrial centers of the East.

Mr. CLARK. I thank my friend from South Dakota for his very helpful remarks.

I should like to leave the colloquy with a thought with which I am sure he agrees. We must consider the national economy and the national interest. We cannot afford to have any bleeding wounds of long duration in the national economy or national interest. There is a real national interest in binding up such wounds and increasing wealth, whether such wealth be created in South Dakota or Pennsylvania. I am sure my friend from South Dakota will take the same sympathetic interest in our problems that we take in his.

Mr. CASE of South Dakota. I assure the Senator from Pennsylvania that I have been interested in certain public works projects which I think are a definite benefit to Pennsylvania. I merely wished to point out that some of the moneys expended for reclamation projects do create direct employment in the eastern area.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. WATKINS. I compliment the Senator from Pennsylvania for his very generous statement about looking after the national economy and being willing to support this type of resolution.

To what my colleagues have said, I should like to give an illustration showing how a project of this kind operates.

Many years ago the Salt River project in Arizona was authorized and constructed. It was one of the very first of the reclamation programs. Approximately $24 million was originally invested by the Federal Government in that project. Money was loaned to the people of that area, who signed a repayment contract.

Not many years ago the final payment was made on the original $24 million. In the meantime there had been additional loans for other features of the project. However, as a result of the $24 million which was originally loaned by the United States, during the period of the pay-off more than $500 million in income taxes was paid into the Federal Treasury from that area. This was made possible largely by the construction of the reclamation project, which brought good land, good water, and good people together.

Moreover, more than $1 billion worth of physical properties—buildings, lands, and developments in that area—resulted from the initial construction work on this project.

One of the fine things about such a project is that it never wears out, because it is self-renewing. The water resource continues to flow, not only during the first 50 years of the pay-off peri-

od, in which taxes are paid, but forever, or so long as the Nation lasts.

Mr. CLARK. Mr. President, if the Senator from Colorado will yield one final time, I shall not detain him longer or delay the adoption by the Senate of this very important resolution.

I should like to say to my friend from Utah that the arguments he has made in support of reclamation projects are so pertinent and so logical with respect to the area redevelopment bill which will soon reach the floor of the Senate, I am sure, that when the time comes I shall be able to count on him for his support of that bill.

Mr. WATKINS. I merely wish to point out that for many years prior to the enactment of the Reclamation Act, all of the United States, including Utah, and the other States out west which are in the reclamation area, voted for Federal flood control projects which were nonreimbursable for the most part. I am still in favor of a sound flood control program. However, the flood control projects must be sound. They should be efficiently engineered, and they should not fall into the category which has been referred to as pork barrel projects with all that that description implies. They should not be projects which are authorized as a political reward or for the purpose of electing or reelecting someone. They should be financially and economically sound. If they can meet those standards, they should be authorized and constructed. There is no reason why they cannot be, if they meet those standards.

I am happy to note that from the first project, which was for $150, voted some time after 1821, to remove an obstruction in a river in Connecticut, the program has grown to the point where Congress has authorized as much as $1,700,000,000, in one bill—a bill which the President vetoed, although there were in the bill many worthy projects and some bad ones. I was happy to join the minority leader in introducing a bill to authorize the sound projects in the bill which had been vetoed by the President.

Mr. NEUBERGER. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. NEUBERGER. I should like to point out an instance to my distinguished friend from Pennsylvania. I am sure he realizes that I have joined with him in supporting urban redevelopment programs and housing programs and for assisting blighted areas, and for undertaking all the other projects in which he himself is so vitally interested. The basic fact remains that in 8 or 10 great manufacturing States of the East—and the Senator from Pennsylvania very ably helps to represent his Commonwealth, which is one of the great manufacturing areas—is concentrated much of the wealth of the country. The fact is also that the people living in the Western States, like New Mexico, Colorado, Utah, and Oregon, whether they are farmers or workers, buy many manufactured products from those 8 or 10 States in the East. They do it whenever they buy automobiles or electric appliances, including television sets and radios—virtually every mechanical implement that they use in their homes and businesses and on their farms.

Therefore it is certainly in the interest of States like Michigan, New York, New Jersey, Pennsylvania, Connecticut, and Ohio, where this manufacturing is concentrated, to have a great American hinterland where there are farms on reclaimed uplands as well as communities which are dependent upon those agricultural areas.

I have very much in mind the outstanding speech made by my good friend, the Senator from New Mexico [Mr. ANDERSON], in the year 1955—if I am not mistaken—and I should like to say that that speech is my Koran on reclamation projects—in which he emphasized how people living in irrigated areas and on reclaimed areas buy more than a billion dollars' worth of manufactured products which are produced in the great manufacturing States of the East, including the Commonwealth of Pennsylvania.

In addition, the Senator from New Mexico stressed something which has been emphasized many times by our good friend from Utah, who is likewise an able champion of reclamation projects, and that is the fact that on these reclamation projects are grown very few crops which are in surplus in the Nation. Most of the crops produced on these projects are those which are not necessarily in surplus and which are not apt to aggravate the agricultural problem which has plagued so many Secretaries of Agriculture, regardless of political party.

While I am on the floor, I should like to express my gratitude to the Senator from New Mexico, who has taken the lead in defending this program, and to his fellow members on the Committee on Interior and Insular Affairs, such as the Senator from Utah [Mr. WATKINS] and the Senator from Colorado [Mr. ALLOTT].

My State of Oregon shares to a relatively modest degree in these projects, but to a degree for which we are deeply appreciative and grateful in connection with the accelerated reclamation program.

One of them is the Talent division of the Rogue River project in southern Oregon where principally fruits will be raised. These are not an agricultural crop which qualifies for price supports and which comes under the soil bank. Therefore, it will not aggravate the agricultural surplus situation.

The other is the Crooked River project, of which I was one of the active sponsors when it was authorized several years ago. This will contribute greatly to upbuilding that vast central part of our State. I wish to say to our good friend from the Commonwealth of Pennsylvania that the farmers living on the Talent and Crooked River projects, and the people of the nearby communities who serve those farmers, will buy many hundreds of thousands of dollars worth of manufactured products which are produced in the Commonwealth of Pennsylvania, and will serve to help keep at work thousands of workers in that great Commonwealth.

Mr. ALLOTT. The Senator from Oregon has very well expressed an idea in which we all concur, and that is that the economy of the United States is no longer divisible; the interest of one part can no longer be separated completely from the interest of the other. It is that thought which the Senator from Oregon has expressed so well.

Mr. President, I should like to address myself to one or two points concerning the resolution to which I believe it is necessary to make reference at this time. These points concern my own State, and I believe, several things should be made clear in the RECORD at this time.

Page 5 of the committee report shows the Colbran, Paonia, Curecanti, and the Smith Fork unit projects. One of these, the Paonia project, which has a No. 1 priority, needs special attention, because the Paonia project was originally authorized back in 1939. Following the war, in 1947, some appropriations were voted for it. Enough money was appropriated to build a canal—the Fire Mountain Canal—to bring water down to the Paonia area, which is one of the great fruit areas of the country. Wonderful peaches are grown in that area. Since I do not see any of my friends from Georgia on the floor, I can say that those peaches are the finest in the world. I would probably say that even if my friends from Georgia were present. Since 1949 the farmers of that area have been paying for the construction of that canal and for its maintenance. However, the Paonia Dam, which would make that canal completely useful, is yet to be constructed. Therefore, it will be noticed that in the report which the committee filed—and I refer to the last column—it is specifically stated that this is not a new start, but is one to which, regardless of all other considerations, Congress and, I believe, the executive department, should address itself, and should do so immediately. It is in the same category, I am sure, in which the Senator from Utah [Mr. WATKINS] would place the Vernal project.

With further reference to the Paonia project, I said in committee that the failure to finish the project imposes a burden upon us for funds which should have been made available nearly 10 years ago. Of one thing there can be no doubt, and that is that Paonia is not a new project. For that matter it is not a new phase of an old project. To attempt to separate the canal from the dam, which would be used for impounding the waters in the project, would be like trying to separate a horse's tail from its head and saying they were two separate animals. This is a fact which is so apparent that it must be considered.

Mr. President, we need to move ahead with the other projects which are covered and are a part of the upper Colorado project, which has already been authorized. I believe if we are to consider the acceleration, as I believe we should, of any public-works projects, there is no better way, no sounder way, no more feasible way, and no more economical way, than by putting the money into reclamation projects which, in the main, will repay to the Government their

cost and which, over the course of the years, will pay to the Government in income taxes many, many times their cost.

The food supply and the population of the next few years will reverse, I think almost completely, the present situation which exists with respect to some of the surpluses.

Certainly we shall be hard pressed in 1970 if we do not increase our production to take care of a population of probably 200 million or 210 million which will then live within the United States.

Bearing this in mind, we cannot create these projects today or tomorrow. We cannot say, "Let there be light," and have light. There will be no light. We cannot say 10 years from now that we will construct these projects, and "Let there be reclamation." It does not work that way. It takes 8, 10, or 15 years to build such projects.

If we are to plan for the future of this Nation and for the Western States as a part of the United States, we must start these projects now in order to be ready for 1970.

Mr. CASE of South Dakota. Mr. President, the distinguished Senator from Colorado has well stated the general proposition that we shall need additional food production in the years ahead.

I notice in the hearings of the committee that Don Williams, the Administrator of the Soil Conservation Service, is quoted as having said that, in spite of the present temporary surpluses of some crops in 1957, we shall in our lifetime need every one of these acres to feed an estimated 220 million people by 1975.

The projects to which I shall address myself are those which are listed under the heading, "South Dakota," on page 5 of the committee report. One of them is described as South Dakota pumping-Missouri River. The program proposes $2 million.

The other project is listed as "Brule, Charlie Mix, Bon Homme," and the amount proposed is $2 million.

I may say that the three names, Brule, Charlie Mix, and Bon Homme are the names of three counties in South Dakota which lie immediately adjacent to reservoirs which are being constructed in the great chain of lakes stretching across from south and north of the Missouri River in South Dakota.

The Senator from Colorado has spoken of a project where there is a canal which lacks a dam. The projects I wish to speak of are those where there are dams and reservoirs, but which lack a canal or other means of utilization of the water stored.

The so-called Missouri River Basin program, which embraces several States from Montana clear down to the junction of the Missouri River with the great Mississippi River, will cost many hundreds of millions of dollars.

In South Dakota alone, the lakes which are being constructed will require approximately a half million acres of land. That land is being taken out of production or use in order to construct gigantic reservoirs which will store the water, and thus prevent the flooding of such cities as Sioux City, Omaha, Kansas City, and St. Louis. Furthermore, floodwaters will be kept off the fertile land of Iowa, Kansas, Missouri, and Nebraska. So a half million acres of South Dakota land will be flooded for all time for the purpose of providing flood protection for the cities, railroads, airports, and farmlands downstream.

At the time the program was proposed as a flood-control project primarily, the people of South Dakota were told that if they would provide a place for the storage of the flood water, they would be able to use the water. Thus far all that has happened has been that we have experienced having our bottom lands flooded. They have been flooded to keep the water off the downriver States.

Two dams have been completed. At the lower end is Gavins Point Dam, which has created a reservoir known as Lewis and Clark Lake, which is about 37 miles long. A little above that is the Fort Randall Dam, which has created a lake considerably more than 100 miles long. Somewhat above the center of South Dakota is the Oahe Dam, which is presently under construction, and which will back up water from the center of South Dakota to the center of North Dakota.

When the Missouri River Basin program was developed, the Corps of Engineers recommended these dams through the main stem of the river. The Bureau of Reclamation also recommended some of the Bureau's dams. But the Bureau of Reclamation dams included a program of utilization of some of the stored water for the purpose of irrigation or supplementary water to be placed on some of the land adjacent to the reservoirs, or reachable from the reservoirs. Up to the present, however, not 1 acre has been irrigated as a result of the Federal Government's activity along the main stem of the Missouri River. Yet the Federal Government will have invested in these dams more than a half billion dollars.

Gavins Point Dam, which is built, cost in the neighborhood of $70 million. Fort Randall Dam, which is built, cost about $180 million. Oahe Dam, which is under construction, will cost a little more than $300 million. So the Federal Government will have invested in these dams and reservoirs considerably more than $500 million. That is the expenditure to which the Government is committed. Much of it has already been made.

To be sure, one of the great benefits from the multiple-purpose dams is flood control which will inure to the great cities and areas of farmland downstream. One of the great benefits from the construction of these dams will be the creation of hydroelectric power, which will be sold, and which is being sold today, and from which the Federal Government is receiving hundreds of millions of dollars in repayment. In fact, the repayments in time to come from the sale of hydroelectric power will far exceed the amount spent by the Federal Government on the projects.

But one of the most beneficial aspects of the multiple projects will be the use of some of the water to irrigate some of the lands immediately adjacent to the reservoirs, more or less in compensation to the counties which have given up forever taxable values in the bottom lands which are covered forever by the stored floodwaters.

Since the Federal Government has its great investment already made in the dams; since the water is being stored in the dams; and since the benefits from supplementary water cannot be had until some pumping projects are instituted or some canals are provided, the program which I recommended to the Committee on Interior and Insular Affairs included two projects to start some of the minor irrigation work along the river. I say "minor" because in both instances the recommendation is for $2 million, which is a very small fraction of the more than $500 million which the Federal Government will already have invested in the dams and reservoirs.

For purposes of reference by the Bureau of Reclamation and others interested, I shall give a description of the two projects under the headings submitted in the report. The first project suggested in the report is South Dakota pumping-Missouri River.

When Mr. Glenn R. Sloan, who was the chief investigation engineer for the Bureau of Reclamation, made his report in 1944, at page 117 of his report, as shown in Senate Document 191 of the 78th Congress, 2d session, there was shown a list of the South Dakota pumping units. In order that there may be a clear understanding of the supplementary nature of pumping irrigation, I wish to read from a little table which appears at page 117. There are some 17 or 18 units distributed along the river in South Dakota below the dams which are classified as pumping projects.

The first one listed is the Chantier project, of 570 acres, obviously a very small project.

Oahe, 1,850 acres, again a small project.

La Franboise, 1,050 acres. That is on the west side of the river. Oahe is on the east side.

Pierre, 900 acres.
Vosseau, 3,310 acres.
La Roche, 2,720 acres.
Joe Creek, 6,560 acres.
Red Cloud, 1,850 acres.
Fort Hale, 2,100 acres.
Grosse, 650 acres.
Fort Randall, 900 acres.
Tower, 2,130 acres.
Greenwood, 4,210 acres.
Running Water, 1,640 acres.
Yankton, 2,390 acres.

I am sure all Members of the Senate who are familiar with irrigation projects will recognize that the projects I have mentioned, which range in size from 570 acres to 6,560 acres, with the bulk of them being in the neighborhood of from 1,600 to 2,100 acres, are what are called minor projects. Yet, Mr. President, they are very significant projects. They are scattered in the little bends or secondary benches above the old bed of the river. They are in the counties which have lost the tax land in the bottom valley of the great Missouri River. The farms immediately adjacent are in a rain-belt area where the rainfall amounts to anywhere from 11 inches a

year to as much, in some years, as 16 or 17 inches. In other words, when there is a full rainfall, amounting to perhaps 16, 17, or 18 inches, these areas produce crops. On the other hand, during the years when the rainfall amounts to only 12, 13, or 14 inches, a marginal situation exists there. These pumping projects will provide supplemental water which will stabilize the agricultural production in these areas. During the droughts in the 1930's, the Federal Government spent many millions of dollars in providing relief for those who lived in these marginal rainfall areas.

The purpose of these pumping projects, then, is to stabilize the existing agriculture, not particularly to put new lands under cultivation. The total number of acres I have mentioned is perhaps 30,000, for approximately 12 or 13 projects which are regarded as the most feasible. So, from the standpoint of total food or agricultural-commodity production, the increase would not be great; but the stabilization would mean a great deal; it would mean converting a marginal economy, for some of the farmers who live along the river, into a stabilized economy.

I have thought that one reason why my appeal on this matter was regarded favorably by the distinguished chairman of the subcommittee, the Senator from New Mexico [Mr. ANDERSON], was that he, himself, spent a great many of the years of his early life in South Dakota; and I am sure he can attest to the fact that close to the Missouri River, in the area from Lake Andes, north, through Geddes and Platte, and up to Chamberlain and Pierre, there is a marginal rainfall, year in and year out; and supplemental water would greatly stabilize agricultural production in that situation.

Mr. ANDERSON. Mr. President, not only can I agree with the Senator from South Dakota; but I can say to him that I was born along the James River, which is included in this project for possible consideration, and I believe the project would be very worthwhile.

Mr. CASE of South Dakota. Mr. President, I appreciate the comment of the Senator from New Mexico.

I have referred particularly to the small pumping projects which are included under the first heading carried in the report as South Dakota pumping-Missouri River.

The second project listed in the committee report is Brule, Charlie Mix, and Bon Homme, which locally is referred to as the B. C. B. project; the letters come from the names of the three counties. They lie immediately along the reservoir. A great portion of the land is above the damsite. Instead of being perhaps pumping projects, strictly speaking, these would be projects where an outlet canal forming a sort of a lateral to the main stem of the Missouri River would carry water for a distance of 5, 6, or perhaps 10 miles, and would make it possible for the fertile lands in the draws and in the lower benches along the river to receive benefit from the water stored.

Again, this would help stabilize the economy of the counties which have given up their taxable lands for the reservoirs, and would make the agriculture there a firm factor in the economy of those counties.

Mr. President, in order that I may show the local interest in this matter, I wish to read two paragraphs from an editorial written by Mr. Robert E. Hipple, and published in the Pierre Daily Capital Journal. Pierre is located at the very center of South Dakota, between the Oahe Reservoir and the Randall Reservoir.

In the editorial Mr. Hipple states:

> The Daily Capital Journal has been distressed for a long time by the fact that construction of authorized projects in South Dakota by the Bureau of Reclamation has not kept pace with construction in other States in the Missouri River Basin.
>
> There are a lot of excuses and explanations readily available, but the fact remains that the only irrigation project in this State which has been carried through to completion in the past 11 years is the Angostura project in Fall River County. This was the first one started in the entire Bureau program authorized in the Missouri Basin by the Flood Control Act of 1944.

Mr. President, at this point I should say, for the RECORD, that actually the Angostura project was authorized under the Water Conservation and Utility Act of 1939, and was initiated prior to the authorization of the Missouri River Basin program. It was a case in which relief labor was to be used in the construction of a supplemental water project. The land was acquired before the United States entered the war. Some equipment was acquired prior thereto; but the entrance of the United States into the war, in 1941, caused the suspension of the project. It was resumed after the passage of the Flood Control Act of 1944. So, more accurately speaking, no irrigation project which was initiated by the Missouri River Basin program, as authorized in the Flood Control Act of 1944, has actually been built; that is to say, the Angostura project was initiated and authorized prior thereto by several years.

In addition to the editorial expression in the Pierre Capital Journal, I should like, if I may, to obtain unanimous consent to have printed at this point in the RECORD, exhibit 1, which appears on page 89 of the committee report. It is a petition; and the report includes the names of the farmers who signed it, and a statement of their occupations and the number of acres of land they farm. The petition is in support of the B. C. B. project. I believe that this expression by the farmers themselves, over their signatures, should be persuasive and encouraging, because it indicates that this B. C. B. project is not primarily one proposed by a municipal group or chamber of commerce or someone who has an idea of exploiting the farmers, but it relates to a grassroots project which is wanted by the farmers themselves.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

PETITION TO SENATOR FRANCIS CASE AND SENATOR KARL E. MUNDT, WASHINGTON, D. C.

We, the undersigned farmers and landowners residing in the proposed Geddes Irrigation District, comprising of some 10,000 acres within Brule, Charles Mix, Bon Homme project, hereby urge that you take the necessary steps to insure completion of all preliminary work necessary for the construction of the Geddes project at the earliest possible date. We feel that this work should progress with a minimum of "redtape" in view of its great need, and in view of the fact that Fort Randall Dam, with an ample supply of water, is located only 10 to 15 miles from the heart of the project. The welfare of the entire Geddes area will be greatly benefited by the completion of this project at the earliest possible date.

Name	Address	Occupation	Date
E. F. Blair	Geddes	Farmer, 240 acres	Feb. 21, 1958
W. G. Glaser	do	Farmer	Do.
Jos. Sanders	do	do	Feb. 24, 1958
Henry T. Blutsma	do	do	Do.
Carl Ahrens	do	do	Feb. 25, 1958
Ray Blair	do	do	Do.
William Paulis	do	Farmer, 500 acres	Feb. 28, 1958
Vern Creasey	do	Farmer	Do.
Urban Funke	do	Farmer, 320 acres	Do.
Bernard Knudson	do	Farmer	Do.
Ray Creasey	do	do	Do.
Ben Blenderman	do	Mayor	Feb. 22, 1958
Grover Long	do	Retired	Do.
James Dolejsi	do	Farmer, 160 acres	Feb. 25, 1958
Romus J. Mushitz	do	Farmer, 820 acres	Do.
John Knudson	do	Farmer, 400 acres	Do.
Leo Mushitz	do	Farmer, 1,440 acres	Do.
Maynard R. Bridges	do	President, Commercial Club	Mar. 5, 1958
Andrew Roinstad	do	Farmer, 57 acres	Feb. 22, 1958
Melvin Johnson	do	Farmer, 640 acres	Do.
James Pavel	do	Farmer, 280 acres	Do.
Anton Kortan	do	Farmer, 480 acres	Do.
Ignatius Masur	do	Farmer, 320 acres	Do.
Paul J. Overbroekling	do	Farmer, 400 acres	Do.
Leo Funke	do	Farmer, 160 acres	Do.
James Varuska, Jr	do	Farmer, 640 acres	Feb. 24, 1958
Joe Dolejsi	do	Farmer, 160 acres	Do.
Harold Williams	do	Farm operator and printer, 80 acres	Do.
Clifford L. Hoffman	do	Farmer, 320 acres	Do.
Gus Brinck	do	Landowner, 480 acres	Do.
A. H. Meis	do	Farmer, 240 acres	Do.
Glen Myers	do	Farmer, 120 acres	Do.
Paul G. Wentland	do	Farmer	Mar. 3, 1958
A. Kalda	do	Landowner, 160 acres, hardware merchant	Feb. 24, 1958
Jaroslav Pavlis	do	Farmer, 320 acres	Do.
Emil Meis	do	do	Do.
Hubert J. Mohan	do	Farmer, 540 acres	Do.
Elmer Blair	do	Farmer, 320 acres	Do.
Guy A. Brown	do	Merchant	Do.
Albert Funke	do	Farmer	Do.

Name	Address	Occupation	Date
Glen Huggins	Geddes	Farmer	Feb. 24, 1958
Halvor Scott	do	Farmer, 480 acres	Do.
Anthony J. Jaeger	do	Farmer, 960 acres	Do.
William Steffens	do	Farmer, 350 acres	Do.
Frank A. Closson	do	Farmer, 320 acres	Feb. 25, 1958
Gilbert Holland	do	Farmer, 240 acres	Do.
Harold Pavlis	do	do	Do.
Richard Durham	do	Farmer, 800 acres	Do.
Roy Enos	do	Farmer	Feb. 26, 1958
Ray Augustine	do	do	Do.
Charles Varilek	do	do	Do.
Joe Rada	Armour	do	Do.
Albert Mansheim	Geddes	Farmer, 520 acres	Feb. 27, 1958
Robert Biddle	do	Farmer, 920 acres	Do.
Joseph L. Johnson	do	Farmer	Mar. 1, 1958
Clifford L. Johnson	do	do	Mar. 3, 1958
William Varilek	do	do	Do.
John A. Kortan	do	Farmer, 816 acres	Do.

Mr. CASE of South Dakota. Mr. President, in view of the great local interest in these supplemental water projects, and in view of the large investments the Federal Government has in the dams and reservoirs, I earnestly hope the recommendation embodied in Senate Resolution 299 will be adopted by the Senate, and that the Bureau of Reclamation will take cognizance of the resolution and will include, in whatever implementation it carries out, consideration for these two projects in South Dakota.

MONTANA PROJECTS IN ACCELERATED PROGRAM

Mr. MURRAY. Mr. President, I shall not presently take a great deal of the time of the Senate.

As chairman of the Committee on Interior and Insular Affairs, I wish to express my high commendation of the distinguished chairman of the Subcommittee on Irrigation and Reclamation, the Senator from New Mexico [Mr. ANDERSON] who has handled the resolution so effectively. The Senator from New Mexico has spent many hours of devoted work on the accelerated reclamation construction program and the resolution expresses the unanimous sense of our committee.

Montana is one of the States hardest hit by the recession and we need reclamation developments to give jobs and conserve for use our natural water and land resources.

The five projects listed on page 5 of Senate Report No. 1500 deserve consideration in the allocation of appropriations and speedy reports where needed. The projects listed are Helena Valley and the Fort Peck transmission line, which are under construction; East Bench, where a repayment contract is ready; Absoraka-Yankee Jim, where a report should be expedited; and Yellowtail Dam as soon as right-of-way problems with the Crow Indians are settled, which we hope will be soon.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. MALONE. All the projects included in the list are projects which have been approved and are ready to go ahead. It is merely a question of making money available so they can go ahead. Is that correct?

Mr. MURRAY. Almost all of them are ready to go ahead.

Mr. MALONE. They have been approved by the Bureau of Reclamation, have they not?

Mr. ANDERSON. I may say to the Senator from Nevada there are several projects which have not yet been authorized or approved. For instance, there is a project which was originally studied in the field and which has gone to the Bureau. Most of them have been approved by the Congress.

Mr. MALONE. But these projects have been approved by Congress in an overall bill, have they not?

Mr. ANDERSON. Only to the extent I just stated. At least one is pending before the House, but is expected to be approved there soon. Others are in various stages of approval or authorization.

Mr. MALONE. All they need is further investigation, so it can be determined how much money is needed.

Mr. ANDERSON. Some are ready to go ahead, some need further investigation, some have not been approved as yet, like that in which the Senator from South Dakota is interested. The Missouri River pumping unit has not been specifically approved, unless it is considered approved in the overall Missouri River Basin authorization.

Mr. MALONE. Just as in the case of the upper Colorado River Basin.

Mr. CASE of South Dakota. I think they are authorized projects.

Mr. MALONE. These projects have been authorized; the question now is as to the method of procedure?

Mr. MURRAY. There is a question of procedure. As has been stated, most all of them have been approved or authorized, and a few are in final stages of study, as I understand the situation. I wish again to say I believe the purposes and objectives envisaged by the resolution are of great importance to the people of the United States. I cannot think of anything more important than the acceleration of our reclamation and resource programs in the West. I am very much pleased that the Senator from New Mexico has taken up this matter and has given such careful study to the program. I wish to commend him highly.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. MANSFIELD. I join my distinguished colleague, the chairman of the Committee on Interior and Insular Affairs, in his commendation of the Senator from New Mexico.

In response to the question raised by the Senator from Nevada, it ought to be brought out that not all of these projects are authorized in the generally accepted sense but this is a sense resolution and relates to projects, practically all of which have been authorized. The idea is to bring about an acceleration in the program of investigations and advance planning, as well as construction, which will be in the best interest of the people of the United States.

I repeat, I associate myself with my colleague in commending the Senator from New Mexico [Mr. ANDERSON] for the fine work done by him in developing this program and presenting the resolution.

Mr. ANDERSON. Mr. President, the Senator from Colorado [Mr. ALLOTT] has temporarily stepped out of the Chamber. Prior to leaving, he asked me what the situation was as to the Frying Pan-Arkansas project in Colorado. He asked, "Is there anything significant in the fact that it is not in your list?"

In the temporary absence of the Senator from Colorado, I think I should say that failure to include the Frying Pan-Arkansas project in this list is not in any way to be regarded as indicating a desire on my part not to support fully the Frying Pan-Arkansas project.

I have supported the project in the past, in cooperation with my able friend, former Senator Millikin. I have presented it to the Senate several times. The reason why it is not in this list is that the Senate has disposed of it but the House has not acted. The Senate has at least twice passed the Frying Pan-Arkansas project. If it does not pass the House, the Senate will pass it again, and will pass it as many times as it is necessary to authorize the project. It is now before the House. I hope the House will act on it favorably, as the Senate has done on at least two occasions.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. ALLOTT. I wish to express my appreciation to the Senator from New Mexico for stating his views so forcefully on this subject. The Senator is correct; the Frying Pan-Arkansas project has been approved by the Senate at least twice—perhaps three times—without a dissenting vote. In this particular matter there would be no practical purpose served by including it in the list. However, I thank him for his assurances, so that the implication cannot be made that the Frying Pan-Arkansas project is in any sense ignored, overlooked, or bypassed.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield to the Senator from Utah.

Mr. WATKINS. As I understand the purpose of the resolution, it is to declare the Senate's interest in the reclamation program which should be adopted or be accelerated by action of the appropriations committees of the House and the Senate, particularly the Senate.

Mr. ANDERSON. That is correct. This is a Senate resolution only.

Mr. WATKINS. And it is directed largely to the Appropriations Committee of the Senate.

Mr. ANDERSON. That is correct. The Senator from Utah is entirely correct.

Mr. WATKINS. That is, at least with respect to the projects which have already been authorized and are legally entitled to proceed to the appropriation stage.

Mr. ANDERSON. That is correct.

Mr. WATKINS. I ask the Senator if it is not true, with respect to the Colorado River project, and probably to a certain extent to the Missouri River project, there has been passed a general authorization bill which authorizes, in the case of the Mississippi and Missouri River Basin, a large number of projects which have not been engineered and which have not been actually studied to the point where they are ready for construction, but the study has been going on year after year under that general authorization?

Mr. ANDERSON. That is correct. There was a hearing participated in jointly by the Committee on Public Works and the Committee on Interior and Insular Affairs. The question of these projects was discussed, because reclamation is involved in some of them. They are not being specifically authorized as they go along, but there was general authorization language in the original bill, such as that referring to the James River project, which the Senator from South Dakota [Mr. CASE] mentioned.

There is no language in the bill which authorizes the James River project, but the general authorization, under the Pick-Sloan plan, included all projects then contemplated, and some that have since been engineered. I would say, without any question, that all the Missouri River Basin projects were authorized in the early adoption of the plan.

Mr. WATKINS. With respect to the Colorado River storage project, which was adopted in 1956, there was specific mention of certain definite units of that overall project which were authorized.

Mr. ANDERSON. The Senator is correct. They were authorized and can be started with the approval of the Secretary of the Interior, with two exceptions, both of those being in the State of New Mexico. Specific authorizing legislation will be required for the Navaho project and the San Juan transmountain diversion project, because some problems over water are involved which will necessitate those projects coming back to the Congress. The others have been approved, subject only to the approving recommendation of the Secretary of the Interior.

Mr. WATKINS. I refer to the Vernal project in Utah, which was mentioned by the Senator from Colorado. That is one of the units of the central Utah project or a unit of the Colorado storage project.

Mr. ANDERSON. Precisely, and that has been fully authorized.

Mr. WATKINS. I wanted to call to the attention of the Senator from New Mexico the fact that it is a project which has been fully engineered, studies have been made, plans for construction have been completed, and the necessary work incident to entering into a contract whereby the people of the area will repay the cost of the project has largely been done.

Mr. ANDERSON. The Senator is correct.

Mr. WATKINS. The conservancy district has been organized, and I was advised only a few days ago that a contract has been negotiated and is practically ready for final signing by the conservancy district and the Secretary of the Interior. All the necessary studies have been completed, and the project will be ready to go ahead within 2 months if Congress appropriates the money for it so it can be proceeded with. That will also be true of quite a large number of other projects under the small-projects bill passed by the Senate a year or two ago.

Mr. ANDERSON. I agree.

Mr. WATKINS. The President recommended $25 million for use as a revolving fund for various projects which would be recommended by the States themselves through their governors and their State water and power boards, then by the Bureau of Reclamation, the Interior Department, and, in the final step, from the Secretary of the Interior to the Congress.

Mr. ANDERSON. The Senator is correct. Twenty-five million dollars has been provided.

Mr. WATKINS. A number of those projects, in various States, are ready. In my State at least five projects are ready. The program would include all those projects.

Mr. ANDERSON. I think, if the truth were known, the State of the Senator from Utah is a little ahead of others in that regard.

Mr. WATKINS. We have a great need for small projects in my State. The Vernal project and the others are ready to go. I wanted to be certain this resolution was intended to cover those projects in the recommendations to the Appropriations Committee for action.

Mr. ANDERSON. I am happy to give whatever legislative assurance is necessary on that score.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. LAUSCHE. Does the resolution recommend any projects the engineering studies on which have not been completed; or, if the engineering studies have been completed, the Engineers have declared the projects to be not financially feasible; or concerning which there has not been an agreement made as to participation by the local governments, with matching money?

I have in mind the recent veto of the President. The President vetoed the last public works bill because it provided for $350 million worth of projects which had not been adequately studied, or which were probably not financially feasible, or as to which there was not proper matching money available.

Mr. ANDERSON. I hope the Senator from Ohio will permit me a little leeway when I say I am not absolutely sure I am answering his question correctly. I am reasonably sure there is nothing of that nature covered in the resolution. I am advised I am correct in that assumption. If something should show up later on, I would not want to be held exactly to that assurance. I am absolutely sure there is nothing of the nature to which the Senator refers, namely, of items being recommended which have not been considered.

I wish to point out again what the Senator from Utah said a while ago. The President sent to Congress a supplemental budget request which included $25 million for a revolving fund for the Small Projects Act.

I was one of those who worked for a long time on the Small Projects Act, as did the able Senator from Utah, and the able junior Senator from Colorado. All the western Senators were interested in the Small Projects Act and were busy working on it.

The President finally said, "I will send to Congress a budget including $25 million for a revolving fund to cover projects under the Small Projects Act."

I do not know what those projects will be. That is why I cannot answer the Senator from Ohio explicitly. Nothing will be included except, as the able Senator from Utah pointed out, projects which have been first initiated by the States. The States must send the projects to the Department of the Interior for the Department's consideration. The Department makes its studies, using the State machinery to examine the projects. Then the projects are submitted to the Committees on Interior and Insular Affairs of the Senate and House of Representatives. If the Senate and House committees do not disapprove the projects within a limited period of time, the projects are approved.

Since I do not know what the projects are, I have to say to the Senator, in a desire to be perfectly honest, that some of the projects have not yet been approved.

Mr. LAUSCHE. I shall not object to the Senate's agreeing to the resolution. I shall vote for the resolution, but I shall do so with the understanding that the resolution does not recommend a number of projects which have been declared by the Engineers not to have been adequately studied, or not financially feasible, or which have been declared to be unacceptable because of unwillingness on the part of the local governments to match what the Federal Government puts up for building the project.

I believe the President was absolutely right in vetoing the last public works bill. I shall support the President in that regard. That bill contained $350 million worth of projects which fell within the vitiating categories I have just described.

I shall vote for the resolution now being considered, with that understanding.

Mr. ANDERSON. Mr. President, I am now in a position to assure the Senator from Ohio that the resolution does not contain that type of item.

The resolution has been amended. I ask that it be agreed to.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. ALLOTT. I think there is one item in the report which perhaps will be of interest to the Senator from Ohio. I desire to invite his attention to the text of the resolution, as shown on page 2 of the report, in the paragraph beginning:

Resolved, That it is the sense of the Senate * * * where engineering has been completed and actual work can be begun promptly; and that consideration be given to prompt authorization of additional feasible reclamation projects—

Such language means the projects must meet the criteria applicable to reclamation projects. They must be authorized by Congress. They must be approved by the Bureau of Reclamation.

I can say there is one project in the Colorado group which has not yet been declared to be a feasible project. I am sure the project will be declared feasible, but the work is not completed. We cannot do anything on that until such has been done.

Mr. LAUSCHE. I believe our thinking coincides on that subject. The Senator from Utah [Mr. WATKINS] a moment ago expressed in substance the same thoughts as those to which I have given voice. The studies have been made; the projects have been declared to be feasible; generally, from an economic standpoint, the projects are worthy of going forward. I think those are the projects we ought to support.

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). The resolution is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the resolution, as amended.

The resolution (S. Res. 299) as amended, was agreed to, as follows:

Resolved, That it is the sense of the Senate that Federal reclamation project construction during the fiscal year 1959 should proceed that year at the rate of approximately $330 million (a 40 percent increase over the total of original and supplemental budget estimates, including limited additional funds for general investigations and advance planning) and that construction should be started on not less than 20 additional authorized projects, with preference to those developments where engineering has been completed and actual work can be begun promptly; and that consideration be given to prompt authorization of additional feasible reclamation projects that will contribute to the objectives of this resolution.

The preamble was agreed to.

Mr. ANDERSON. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana to lay on the table the motion of the Senator from New Mexico to reconsider.

The motion to lay on the table was agreed to.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that there be printed in connection with the action on Senate Resolution 299 a statement which I have prepared on the resolution.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR RALPH YARBOROUGH ON SENATE RESOLUTION 299

I desire to commend the distinguished Senator from New Mexico [Mr. ANDERSON] for his leadership in bringing this resolution before the Senate. This would accelerate programs already authorized.

Three important projects in Texas are included under the resolution now under consideration. One is the San Angelo Dam project, another is the Mercedes division project, and the third is the Harlingen division, Cameron County project. Funds proposed for these projects are $5 million, $2.5 million, and $4.5 million, respectively.

The $4.5 million proposed for the Cameron County project is the first loan in history to be made under the Small Projects Act of 1956. Under terms of the application, the money will be repaid over a 35-year period. The loan is to finance improvement of irrigation facilities for some 39,000 acres of land.

The San Angelo project, sometimes called the three rivers project, is a $30 million development that will guarantee a permanent water supply in the Concho River Basin. It will create new tax values, stabilize income and insure such economic stability to a vast territory in west Texas as to make this permanent improvement an ultimate tax asset rather than a tax liability.

In its flood control and conservation features, this project is shown by the official reports to be one of the most beneficial dollarwise to be proposed in years.

During the 7 years of drought I flew over this area in planes many times and saw the parched land, the dry river beds, the unfarmed soil, the ranges without cattle, and the city of San Angelo, which was worried over its water survival. I have also flown over this area in periods of heavy rainfall with the rivers full, the water flooding the land, and priceless topsoil washing down the rivers.

This beneficial improvement will harness these waters of destruction and convert each rain to a shower of wealth. It will guarantee a permanent water supply to San Angelo and other areas of the Concho Basin.

This project assures prosperity in an area as large as several whole States in the Union. This is an investment, not a giveaway. It is a permanent improvement, not a temporary expedient. It is a wealth creator, not a wealth destroyer.

Two-thirds of the entire cost will be paid back by city water users and irrigation water users.

The construction of this dam will help bring to fruition Robert E. Lee's prediction when traveling over these areas of west Texas, then uninhabited. He said, "I hear the footsteps of the coming millions."

Because of these projects and the many other important reclamation projects envisioned under this proposal, I strongly urge passage of the resolution.

These projects are badly needed. This money so spent will be a capital investment. They will save water now going to waste; they will stimulate the economy of large sections of the country. This is money well spent, that will create wealth many times larger than the capital outlay here requested. And the employment furnished will stimulate recovery by furnishing jobs now, on projects already authorized.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 1062. An act for the relief of Maud Claer Wahl;

S. 1578. An act for the relief of Hovhannes H. Haidostian;

S. 1943. An act for the relief of Norma Josephine Hodges Dowd;

S. 2166. An act for the relief of John J. Griffin; and

S. J. Res. 168. Joint resolution authorizing the President to issue a proclamation calling upon the people of the United States to commemorate with appropriate ceremonies the 100th anniversary of the admission of the State of Minnesota into the Union.

The message also announced that the House had passed the bill (S. 3050) to increase the equipment maintenance allowance for rural carriers, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8544) to provide for the restoration to tribal ownership of all vacant and undisposed of ceded lands on certain Indian reservations, and for other purposes.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 6238. An act to amend section 1292 of title 28 of the United States Code relating to appeals from interlocutory orders;

H. R. 7260. An act to amend title 18, United States Code, section 3651, so as to permit confinement in jail-type institutions or treatment institutions for a period not exceeding 6 months in connection with the grant of probation on a 1-count indictment;

H. R. 10015. An act to continue until the close of June 30, 1959, the suspension of duties on metal scrap, and for other purposes;

H. R. 10154. An act to empower the Judicial Conference to study and recommend changes in and additions to the rules of practice and procedure in the Federal courts;

H. R. 10504. An act to make the provisions of the Longshoremen's and Harbor Workers' Compensation Act applicable to certain civilian employees of nonappropriated fund instrumentalities of the Armed Forces, and for other purposes;

H. R. 11033. An act to authorize the creation of record of admission for permanent residence in the case of certain Hungarian refugees;

H. R. 11406. An act to remove the present $1,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the accidental release of a bomb from an Air Force aircraft on an authorized noncombat training mission over and near Mars Bluff, Florence County, S. C., on March 11, 1958;

H. R. 11414. An act to amend section 314 (c) of the Public Health Service Act so as to authorize the Surgeon General to make certain grants-in-aid for provision in public or nonprofit accredited schools of public health of training and services in the fields of public health and in the administration of State and local public health programs;

H. R. 11424. An act to extend the authority of the Secretary of Agriculture to extend special livestock loans, and for other purposes;

H. R. 11549. An act to provide for the preparation of a proposed revision of the Canal Zone Code, together with appropriate ancillary material;

H. R. 12326. An act making urgent deficiency appropriations for the fiscal year ending June 30, 1958, and for other purposes; and

H. J. Res. 586. Joint resolution to authorize the designation of the week beginning on October 13, 1958, as National Olympic Week.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, as indicated:

H. R. 6238. An act to amend section 1292 of title 28 of the United States Code relating to appeals from interlocutory orders;

H. R. 7260. An act to amend title 18, United States Code, section 3651, so as to permit confinement in jail-type institutions or treatment institutions for a period not exceeding 6 months in connection with the grant of probation on a 1-count indictment;

H. R. 10154. An act to empower the Judicial Conference to study and recommend changes in and additions to the rules of practice and procedure in the Federal courts;

H. R. 11033. An act to authorize the creation of record of admission for permanent residence in the case of certain Hungarian refugees;

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H. R. 11549. An act to provide for the preparation of a proposed revision of the Canal Zone Code, together with appropriate ancillary material; and

H. J. Res. 586. Joint resolution to authorize the designation of the week beginning on October 13, 1958, as National Olympic Week; to the Committee on the Judiciary.

H. R. 10015. An act to continue until the close of June 30, 1959, the suspension of duties on metal scrap, and for other purposes; to the Committee on Finance.

H. R. 10504. An act to make the provisions of the Longshoremen's and Harbor Workers' Compensation Act applicable to certain civilian employees of nonappropriated fund instrumentalities of the Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

H. R. 11414. An act to amend section 314 (c) of the Public Health Service Act, so as to authorize the Surgeon General to make certain grants-in-aid for provision in public or nonprofit accredited schools of public health of training and services in the fields of public health and in the administration of State and local public health programs; to the Committee on Labor and Public Welfare.

H. R. 11424. An act to extend the authority of the Secretary of Agriculture to extend special livestock loans, and for other purposes; to the Committee on Agriculture and Forestry.

H. R. 12326. An act making urgent deficiency appropriations for the fiscal year ending June 30, 1958, and for other purposes; to the Committee on Appropriations.

STUDY OF TEXTILE INDUSTRY

Mr. ANDERSON. Mr. President, I ask the Chair to lay before the Senate the unfinished business, Calendar No. 1497, Senate Resolution 287.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the resolution (S. Res. 287) authorizing a study of the textile industry of the United States.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. CLARK obtained the floor.

Mr. ALLOTT. Mr. President, may I suggest the absence of a quorum?

The PRESIDING OFFICER. The Senator from Pennsylvania has been recognized.

Mr. ALLOTT. Mr. President, I withdraw the request.

PROGRAM TO ALLEVIATE CONDITIONS OF UNEMPLOYMENT AND UNDEREMPLOYMENT

Mr. CLARK. Mr. President, within the next few days there will come before the Senate for debate, and I hope for passage, Calendar No. 1519, S. 3683, a bill to establish an effective program to alleviate conditions of substantial and persistent unemployment and underemployment in certain economically depressed areas.

The bill, Mr. President, has been cosponsored by 40 Senators, 23 on this side of the aisle, and 17 of our Republican friends. The bill is similar to one which in 1956, during the 84th Congress, passed the Senate by a substantial majority. The bill has been rewritten by a bipartisan majority of the Committee on Banking and Currency, in the light of present conditions. The leadership in that bipartisan majority was taken by the distinguished Senator from Illinois [Mr. DOUGLAS] and the distinguished Senator from Maine [Mr. PAYNE].

The reasons that the bill should be supported by the Senate, as its similar predecessor was supported in 1956, are well summarized in the majority report, and I shall not dwell upon them this afternoon. I will say, however, that the bill meets the campaign pledges of both political parties in the national election of 1956. It implements—and indeed supplements—the Employment Act of 1946. It is in accord with the recommendations of the President, as set forth in his 1956 Economic Report in which he said:

> The fate of distressed communities is a matter of national as well as local concern.

Again—

> Although these programs—

Referring to some preceding action—

> have proved helpful, experience demonstrates that bolder measures are needed. To this end a new area assistance program is recommended for aiding communities that have experienced persistent and substantial unemployment.

A similar, briefer recommendation was made by the President earlier this year.

I should like to spend a few minutes in commenting on the minority views with respect to the bill, in the hope that my colleagues when they read the RECORD will have an opportunity to consider the rebuttal to the minority views before the bill is called up for floor action.

It is perhaps needless for me to state the very high regard in which I hold the chairman of the Committee on Banking and Currency and his distinguished colleagues on both sides of the aisle who signed the minority views. They are among our finest Senators, and I honor and respect their views, although I regretfully find myself unable to be in accord with them.

I suggest that the minority views misconceive the purpose of the proposed legislation. Much is made in the minority views of the fact that the area redevelopment bill would benefit only a small proportion of the many Americans who are at present unemployed.

Much is also made in the minority views of the fact that the area redevelopment bill could not become immediately effective, and therefore would not have an immediate impact on the present recession.

Both those comments are true. But it was never thought, either in 1956, when we were on a wave of some prosperity, or today, when we are not, that the bill would relieve temporary unemployment, or, indeed, be primarily an antirecession measure.

This bill is not primarily an antirecession measure. It will have important secondary antirecession effects, but the bill is primarily a bill to help bind up some social and economic wounds which have been bleeding for many long years. If nothing is done to heal those wounds, they will still be bleeding long after the current recession is over.

The bill is directly in accord with the obligations assumed by the Congress of the United States and by the President under the Employment Act of 1946. Congress declared then that it is the continuing policy and responsibility of the Federal Government to use all practical means to promote maximum employment, production, and purchasing power. The purpose of this bill is to do just that, and not merely to make a contribution to the solution of the present recession, important though such an objective is.

The minority views then proceed to comment that the bill is discriminatory because it would be effective only in certain areas of the country where there has been persistent and chronic unemployment, and would not be effective where men and women are out of work but have not been in that unhappy condition for so long a time.

I suggest to my colleagues that this argument is not well founded. If the bill is discriminatory, so is every other law enacted by countless Congresses, reaching back well over 100 years, designed to help distressed segments of our population.

We have just unanimously adopted a resolution which will expedite reclamation projects in areas where not only is there present unemployment, but where the full economic potential of the area—agricultural or industrial, as the case may be—has not been realized and cannot be realized without Federal assistance.

I had occasion to comment, in connection with that resolution, for which

I was happy to vote, that the very arguments which were made in support of it were equally applicable to the area redevelopment bill.

We have often enacted legislation in aid of our cotton farmers, our wheat farmers, our corn farmers, our Dust Bowl victims, our flood victims, and our city slum dwellers. If this bill is discriminatory, so were all the other measures to which I have referred.

I suggest that we are dealing today with a national economy; that there is a national need to take steps to bind up the bleeding wounds of chronic unemployment and economic underdevelopment, wherever they may occur; and that this bill, far from being, as the minority suggests, alien to our American way of life and to our Federal system and Federal policy, as laid down in the Employment Act of 1946, is in the great American tradition. Its objective is to help those communities which most need help, and to restore substantial areas of our economy to economic health.

The minority views then proceed to list a number of areas throughout the country which would be eligible for assistance under the provisions of the bill, and a number of areas which the table indicates would not be eligible for assistance. It may be that the table will be helpful to my colleagues in considering the proposed legislation. However, I suggest that the table may be misleading, because it does not show any area with a labor force under 10,000, and it ignores the 300 rural counties in which there has been persistent underemployment and low family income over a long period of time, and for which the bill makes provisions for assistance.

Next it is said that there is no justification for singling out a special group among the unemployed for special benefits on a purely arbitrary and artificial basis. I suggest that the bill does not single out special groups; nor is the definition under which need is determined by the bill arbitrary.

What the draftsmen of the bill have done is to prescribe standards for an administrator to follow, in determining which areas of chronic industrial unemployment and which areas of chronic agricultural underemployment and low income are most worthy of help.

It is said that the proposed legislation will be of no immediate help even to the relatively few areas which would be eligible for assistance. I said a few moments ago that there is some truth in that contention. However, we are not urging the enactment of the proposed legislation on the ground that it is an antirecession measure. It is a long-term policy to implement the Employment Act of 1946 and to afford help where years of experience have shown State and local resources to be inadequate to meet the need if we are to have a healthy national economy throughout the Nation.

It is said in the minority views that we are proposing to subsidize certain areas in order to bring into them industries in competition with industries in other areas which are not so subsidized. I believe almost every Member of the Senate will agree that ours is an expanding economy, and that the great hope of our free enterprise system is that, as invention proceeds, industries will spring up where none exist today. We need only to think in terms of the electronics industry, which has come so far since World War II, to understand that truth.

The result of this bill will be to help create in depressed areas industries which an expanding economy is making possible, so that all can share, without taking away from the more prosperous areas industries which those areas already have or which, because of their prosperous condition, they can acquire. That is particularly significant because the depressed areas have gone long without help, and it is to them that we need to address ourselves. The more prosperous areas are quite able to take care of themselves.

It is said in the minority views that there is no justification for taking 300 counties of low income and treating them as the only areas in which rural assistance should be given. I suggest that the minority is again operating under a misconception, and that a careful reading of the bill will disclose that while the 300 counties, representing 10 percent of the total of 3,000 counties in the country, constitute a ceiling under which the administrator must operate, there is no attempt made to tie the hands of the administrator. From among the 300 counties he is permitted to choose areas within a particular county, areas which overlap a particular county, and areas which consist of 2 or 3 or even more counties where assistance can be rendered.

Therefore I submit that that particular comment in the minority views is not entirely accurate.

It is said that the bill will open the way to political influence and that there is no limitation on the amount of funds which any one State may get. It is said that there are no applicable standards which the administrator can utilize in determining where he should give help and where he should not. Mr. President, I suggest that a careful reading of the bill will show that that criticism also is unjustified. In point of fact there is quite a similarity between the bill and the various acts in support of small business which have been passed from time to time by Congress. The method of administering the proposed act is quite similar to that provided in the law creating the Small Business Administration. I suggest that the Small Business Administrator has not been subjected to political demands to make a loan here or to refuse one there. That is because there have been prescribed standards which he must follow. In this bill that is so, too.

First, under the strict standards set forth in the bill, a determination must be made that a particular area, be it industrial or rural, is depressed. There must be a local plan. Local community leaders must come forward and ask for assistance from the Federal Government. They must provide a fair share of local capital before the plan can be approved. Safeguards are incorporated in the bill, just as in the Small Business Act, to determine which projects should be supported and which should not.

I suggest that there is no basis for the criticism that the bill would create any greater political difficulties or political favoritism than a half dozen other acts providing assistance to different areas of our economy which are presently being appropriately administered.

The minority views suggest that the Housing and Home Finance Agency is not the appropriate agency to administer the bill. I see on the floor the Senator from Maine [Mr. PAYNE], who is the one who suggested that the HHFA is the appropriate agency. I, for my own part, was ready and happy to agree with him. Because of its experience with the Community Facilities Act, with the urban renewal program, and with the public-housing program, there is no agency in the country better fitted than the HHFA to administer the Area Redevelopment Act, which does, indeed, contain a substantial section which deals with urban renewal.

Mr. President, it cannot be successfully contended that the Department of Commerce would be able properly to guide this agency, particularly in view of the philosophy of the present administration of the Department of Commerce. I have been glad to note that by no means all of my good friends across the aisle have felt that the Department of Commerce would be the appropriate agency to administer the proposed act. Similarly, the Department of Agriculture would not, in my judgment, be the proper agency to administer the rural side of this particular program, since the purpose, so far as rural counties are concerned, is to bring industry into those areas. In order to bring industry into such areas, it is necessary to have an agency which has some competence in the fields of urban affairs, of urban redevelopment and of community facilities. That agency, I submit, is, appropriately, HHFA.

It is said that the bill overlaps the community facilities bill which was recently passed by the Senate. I cannot take that comment or criticism very seriously, since the community facilities bill does nothing more than make low-interest loans available to localities and States for the building of city halls and waterworks and sewers and perhaps public schools, where those units of government are unable to borrow adequately in the private market.

The purpose of the bill is to bring private industry, with the aid of local capital, into industrially depressed and agriculturally depressed areas. It is also the purpose of the bill to make certain that such things as industrial water supply, industrial land, and industrial parks, roads, and highways can be built in advance of the bringing in of industry, in order to create the kind of atmosphere or environment which is needed to entice new industry into areas of substantially surplus unemployment or of low farm income.

Finally, the minority views state that the proposed legislation does not take proper cognizance of the efforts on the State and local levels to solve the problem of area redevelopment. It has been my good fortune to sit through the hearings of the Subcommittee on Production and Stabilization of the Committee on Banking and Currency. Even though I am not a member of that subcommittee, I sat through the hearings because the matter is of intense interest in my own State. The subcommittee took testimony throughout the 1st session of the 85th Congress. More testimony has been taken during this session of Congress. The record is here for all to read. I think anyone who will read the hearings with care—and I am sure my colleagues will do so—will come to the conclusion which I have reached, namely, that while State and local redevelopment corporations have made a substantial contribution to the diminution of unemployment in their areas, they do not have the resources, nor are the resources available anywhere except the Federal Government, to do the adequate job which is needed to provide a shot in the arm to the depressed industrial and agricultural areas so as to get them back on the road to full prosperity.

It has been my good fortune, also, to be the chairman of the Subcommittee on Small Business of the Committee on Banking and Currency. We are at present concluding hearings which were begun last spring and resumed 2 weeks ago, relating to the various problems of small business: whether there should be a capital bank, and whether the Small Business Administration should be continued, and the extent to which small business can be helped at the State and local levels. Scores of witnesses have come before the subcommittee. Many of them testified to the fine work being done by State and local development corporations. One of the best of these organizations is in the great State of Maine, where a substantial group of citizens has gathered together to bring help to small business in Maine, and to cause new business to locate in that great State.

Yet, I venture that my colleague across the aisle will agree with me when I say that that organization is fundamentally anemic. It is short of blood. It is short of capital. It is short of all the background and financial sponsorship which is really needed to put this kind of show on the road.

So I hope my colleagues will ponder seriously and long the desirability of having the bill passed at an early date; that they will give careful consideration to the report by the majority which, I believe, summarizes far more tersely than I have been able to do on the floor this afternoon the reasons for supporting the proposed legislation; and that before they become convinced by the minority views, written and signed by so many of our distinguished colleagues, they will do me the honor to consider my rebuttal.

Mr. PAYNE. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the Senator from Maine.

Mr. PAYNE. Mr. President, the Senator from Pennsylvania, who has served with me on the Committee on Banking and Currency, has made, in my opinion, one of the most constructive statements in connection with the proposed legislation, which I hope will very shortly be considered by the Senate. His comments concerning the minority views very well spell out the deficiencies which also are in my mind in connection with the statement in those views.

It is my hope, as I know it is also the hope of the Senator from Pennsylvania, that Senators will weigh these matters very carefully when the bill is under consideration, realizing that every point which the Senator from Pennsylvania has set forth in his clear statement, which is very constructive, is true and is backed by evidence; that the bill is not an antirecession measure, but deals with long depressed areas, whose condition has been brought about by circumstances far beyond their control.

This is a means by which we can make a constructive effort toward rehabilitating such areas by providing the strength to which they are entitled, just as we have provided strength to nations outside the borders of the United States, and have helped them to get on their feet by the expenditure of far more money from the Treasury of the United States than the amount the proposed legislation modestly seeks.

The Senator from Pennsylvania has made a very real and constructive contribution by his remarks. I wholeheartedly concur in them.

Mr. CLARK. I thank my friend, the distinguished Senator from Maine, for his kind words and most helpful support. I yield the floor.

Mr. PASTORE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STUDY OF TEXTILE INDUSTRY

The Senate resumed the consideration of the resolution (S. Res. 287) authorizing a study of the textile industry of the United States, which had been reported from the Committee on Interstate and Foreign Commerce with an amendment, and subsequently had been reported from the Committee on Rules and Administration with an additional amendment.

The PRESIDING OFFICER. The clerk will state the amendment of the Committee on Interstate and Foreign Commerce.

The LEGISLATIVE CLERK. On page 3, in line 2, after the word "exceed", it is proposed to insert "$25,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the amendment of the Committee on Rules and Administration.

The LEGISLATIVE CLERK. On page 2, in line 16, before the word "consent" it is proposed to insert "prior."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PASTORE. Mr. President, Senate Resolution 287 authorizes the Committee on Interstate and Foreign Commerce, or any duly authorized subcommittee thereof, to conduct a full and complete study of all factors affecting commerce and production in the textile industry of the United States, including, but not limited to, (a) the extent, nature, and causes of the decline in interstate and foreign commerce in textile mill products; (b) the decline in employment in the textile industry; (c) the effects of policies and programs of the Federal Government on the industry; and (d) the impact of commercial policies of other nations on the industry.

The resolution provides also for the expenditure of an amount not to exceed $25,000, to be paid out of the contingent fund of the Senate.

The resolution was approved unanimously by the Committee on Interstate and Foreign Commerce; and I know of no objection by the Committee on Rules and Administration to section 4 of the resolution.

I think the resolution itself can best be explained by a letter which was written by the chairman of the Committee on Interstate and Foreign Commerce, the distinguished Senator from Washington [Mr. MAGNUSON], to the chairman of the Committee on Rules and Administration, the distinguished Senator from Missouri [Mr. HENNINGS]. The letter very comprehensively and succinctly illustrates and explains the purpose of the resolution. As I understand, there has not been a comprehensive investigation of the decline in the textile industry. I think it is quite appropriate that such an investigation be undertaken now, and the Committee on Interstate and Foreign Commerce will conduct it, if the resolution shall be agreed to.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the letter which the Senator from Missouri [Mr. HENNINGS], the chairman of the Committee on Rules and Administration, received from the Senator from Washington [Mr. MAGNUSON], the chairman of the Committee on Interstate and Foreign Commerce. The letter is in support of Senate Resolution 287.

There being no objection, the letter was order to be printed in the RECORD, as follows:

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
April 21, 1958.

Hon. THOMAS C. HENNINGS,
Chairman, Committee on Rules and Administration, United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: Senate Resolution 287, now before your committee for consideration and action, would authorize the Committee on Interstate and Foreign Commerce to

spend not more than $25,000 between the date on which the resolution is agreed to and January 31, 1959, upon a study of all factors affecting commerce and production in the textile industry of the United States.

Pursuant to section 102 (j) of the Legislative Reorganization Act, the Committee on Interstate and Foreign Commerce has general jurisdiction over interstate and foreign commerce. It is a recognized fact that the entire domestic textile industry has been in a depressed and declining condition for several years. Many factors have been advanced as the causes of the decline, but there has never been an exhaustive and definitive study to clearly establish the nature of the industry problems in order to form a basis for corrective action.

Inasmuch as the textile industry is clearly involved in both interstate and foreign commerce, the Senate Interstate and Foreign Commerce Committee believes that it has the prime responsibility for ascertaining the nature of the industry's problems. The committee recognizes that in conducting its investigation, and in any legislative recommendations it may make, it must limit itself to the area of its own jurisdiction, but at the same time believes that it is important to consider the textile problem as a whole. A comprehensive report will undoubtedly be of great value to all committees of the Congress, the executive branch of the Government, and the industry itself.

While no exhaustive study of the textile industry has ever been undertaken, this committee did conduct limited inquiries covering particular problems in 1946 and 1948. The reports developed by these studies have proved of tremendous value and indicate that the investigation now contemplated will have extremely significant and beneficial results.

The committee intends to analyze in detail all aspects of the textile industry including, but not limited to, the effects of Federal programs, foreign competition, changing market standards and demands, impact of synthetic materials, transportation facilities, and condition of machinery. It is expected that the study will attempt to determine such matters as to what extent Federal programs and policies have been harmful to the industry, whether the adverse effects of such programs, if any, can be corrected, and the extent to which trade policies of other nations have contributed to the domestic textile decline, including consideration of means to increase the flow of American textiles in foreign commerce.

In view of the nature and importance of the textile problem, the committee believes that this request is very modest. In view of the pressing urgency of the very critical condition of the domestic textile industry it is hoped that your committee will be able to act promptly on the resolution.

Attached is a proposed budget for the investigation.

Sincerely yours,

WARREN G. MAGNUSON,
Chairman.

Mr. PASTORE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement made by Mr. Halbert M. Jones, of Laurinburg, N. C., the president of the American Cotton Manufacturers Institute.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. HALBERT M. JONES, OF LAURINBURG, N. C., PRESIDENT OF THE AMERICAN COTTON MANUFACTURERS INSTITUTE

Our association pledges its full cooperation to the Senate Commerce Committee which will undertake an investigation of the ills of the textile industry.

It is our belief that the textile industry operates under conditions which are closely related to and affected by Government actions.

Therefore, it is our hope this inquiry will examine closely those problems besetting the industry as a result of specific Government policies.

For example, we hope considerable attention will be paid to the Government's cotton policy and its impact on the consumption of raw cotton and textiles.

Also, we are hopeful the inquiry will include an examination of our national world trade and foreign-aid policies and the effect these have on domestic and foreign markets for textiles produced in this country by American citizens.

We welcome the Senate's interest and concern in our industry and the opportunity provided not only to examine our problems but also to explore avenues which would enable our industry to make its maximum contribution to a prosperous national economy.

Mr. PASTORE. Mr. President, on Saturday, April 19, 1958, an editorial entitled "Congress Should Study the Textile Industry," was published in the Providence Journal, of Providence, R. I. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CONGRESS SHOULD STUDY THE TEXTILE INDUSTRY

A resolution by the Senate Interstate and Foreign Commerce Committee, authorizing it to make a complete and searching investigation of the causes of the decline in the textile industry, should be given prompt approval by the Senate. The resolution calls for a report of committee findings and recommendations by the end of January next year. Our own Senator JOHN O. PASTORE is acting chairman of the committee. The resolution was presented by another New England Senator, NORRIS COTTON, of New Hampshire. Naturally, it has the strong support of other New England Members of Congress.

It is high time that a thorough survey of the character outlined by the committee should be made by Congress. The scope of the investigation suggests that, when and if it is completed, the Government will have sufficient authoritative information on which to base a practical policy of relief for this troubled industry in which New England still has such a vital interest.

The rising tide of competitive textile imports has received serious consideration by the committee. The text of the resolution clearly indicates the factors which committee members believe are abetting this growing competition. Senator COTTON is convinced that tariff concessions, development of foreign textile industries with benefit of our foreign aid program, and the export subsidy which is used to move United States raw cotton surplus into overseas markets are contributing to the economic ills from which the textile industry now suffers.

Senator PASTORE wants these matters carefully studied. He also expects the committee to examine such other relevant matters as mergers, transportation, technology, and synthetics. He suggests, too, that consideration ought to be given to the trade and commercial policies of foreign nations which are also responsible for the increasing inflow of textiles from abroad.

The committee is not seeking to discredit either the reciprocal trade program or the foreign aid program. As a matter of fact, most of the sponsors of the resolution are on record as supporters of these programs. But they are gravely concerned about the consequences of the operation of these programs in the textile industry. If authorized by the Senate, the committee will seek to pinpoint their effect on the industry.

A particular virtue of the authorization asked by the Cotton resolution is the directive specifying that the committee must take recommendations for action. What those recommendations might be naturally will depend on what the investigation reveals. But Senator PASTORE has indicated some remedies that may finally be desirable to the committee.

His list includes Government loans, accelerated tax writeoffs as incentive for the industry to modernize its plants and equipment, careful channeling of Government orders to domestic plants that need them, and possible stimulation of textile exports through new national policies and new negotiations with foreign nations under the Trade Agreements Act.

The present condition of the textile industry is sufficient reason for the Senate to act favorably and promptly so that the committee can get to work. Its task is of direct deep concern to our textile industry. But the beneficial effect of committee recommendations on all industry in the New England area might be substantial.

Mr. SALTONSTALL. Mr. President——

Mr. PASTORE. I yield to the distinguished Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, as a cosponsor of Senate Resolution 287, I should like to add a few brief words in its support.

I think all of us realize that the textile industry is one of the largest and most vital segments of American industry. All of us also realize that for some years the textile industry has been in an unhealthy condition. Those of us from States in which textile-manufacturing firms are located have been working in many ways to help the industry. Some of the efforts have been successful, and some have not. Despite the successes we have had, the industry has in general continued to decline.

The junior Senator from New Hampshire [Mr. COTTON] and the junior Senator from Rhode Island [Mr. PASTORE] have performed a real service to the textile industry and to all of us who are anxious to see it prosper, by submitting this resolution, which calls for a full and complete study of the factors which affect the industry. Because I know of the careful and competent work done by our Committee on Interstate and Foreign Commerce, the most recent example of which is its investigation and report on the problems of the railroads—and I look forward with interest to studying that report—I am confident that in the present instance the committee will bring forth a report which will be invaluable as a basis on which to develop a program which will set the textile industry on the road to recovery.

In this connection, I urge the committee to move with all practicable dispatch to consider Senate bill 3592, which I introduced on behalf of myself and my colleague [Mr. KENNEDY], to establish a program of applied research and technical liaison to assist the woolen and worsted fabric manufacturing industry.

The woolen manufacturing companies within the textile industry have been especially distressed; and the program called for in Senate bill 3592 would be of immediate and significant assistance.

Senate bill 3592 provides that the Department of Commerce shall, first, initiate and support economic, applied scientific and technical research relating to the manufacture, utilization, and marketing of woolen and worsted fabrics; and, second, collect and foster and facilitate the dissemination and interchange of economic, scientific, and technical information relating to the manufacture, utilization, and marketing of woolen and worsted fabrics to and among all domestic manufacturers thereof.

The bill has been written in an effort to help the industry to help itself. In the face of heavy, low-cost, foreign imports, our domestic industry has had to struggle to keep its plants operating and has therefore been unable to engage in programs of applied research. Such programs could lead to production diversification, greater manufacturing flexibility, improved distribution and marketing practices. This research could equip the industry better to compete against the low-cost products of its foreign competitors.

I believe the resolution will, when agreed to, be extremely helpful, because the study for which it calls will show why the textile industry is depressed. Then it will be possible to consider what we can properly do to assist the industry as a whole.

I thank the Senator from Rhode Island [Mr. PASTORE] and the Senator from New Hampshire [Mr. COTTON] for submitting the resolution, and also for yielding to me.

Mr. THURMOND. Mr. President, will the Senator from Rhode Island yield to me?

Mr. PASTORE. I yield.

Mr. THURMOND. Mr. President, as a cosponsor of Senate Resolution 287, along with the distinguished Senator from New Hampshire [Mr. COTTON], the distinguished Senator from Rhode Island [Mr. PASTORE], and other Senators, I rise to speak in support of the resolution.

During the present session, Congress has been greatly concerned with the general economic recession. We are all well aware of the hardships it has caused.

Perhaps this situation may help us to have a better appreciation of the problems of the American textile industry. Like all business, the textile industry is adversely affected by the recession. However, to the textile industry, the recession is just one more episode in a period of business depression that has extended through the post-World War II period.

It is a long-term slump, with no end in sight.

Mr. President, we have seen employment in the textile industry decline by 345,000 jobs since World War II. We have seen 717 mills close their doors. In a 10-year period, the number of spindles in place in American cotton mills declined by 2,375,000. In 1957, employment in the textile industry was down by 6.2 percent from 1956, compared with 3.6 percent in other industry.

Last year, the earnings of American industry as a whole, expressed as a percentage of total sales, were 4.8 percent. Earnings in the textile industry were 1.9 percent of sales.

We have experienced a decline in the export of textile products, while textile imports have increased—by 1,000 percent, since 1947, in the case of cotton textiles; by 800 percent in the case of wool.

The textile industry has suffered from a Government policy which has encouraged the developmentof strong textile industries overseas. We have encouraged foreign producers to expand their output and to compete with the domestic textile industry.

These imports obviously represent a serious situation for the domestic textile industry. However, the fact that we are increasing our imports and reducing our exports does not tell the whole story, by any means. We are subsidizing the purchase by foreign governments of foreign textile products. Last year, with financing arranged through our foreign-aid program, foreign governments made textile purchases amounting to $95 million, of which only $7 million was spent for American textile products. The American textile industry is being taxed to help subsidize its competitors.

This situation is a matter of vital concern to the people of my State. Approximately 75 percent of all industrial jobs and 80 percent of industrial payrolls in South Carolina are in the textile and apparel industries. Since 1951, in South Carolina alone, textile employment has declined by more than 12,000 jobs—from 139,800 in February 1951 to 127,400 in March 1958. From March 1957, when South Carolina cotton mills consumed 203,058 bales of cotton, consumption fell to 193,253 bales in March 1958.

The reduction in the rate of cotton consumption intensifies the problem of the farmer. The loss of employment in the textile industry has its effect on every kind of business serving South Carolina consumers.

It has been brought home to us, in South Carolina, that a decline in the textile industry has a depressing effect on business of all kinds.

In my opinion, we cannot expect the American textile industry to regain its health unless we make some alterations in our foreign-trade and foreign-aid programs.

At the same time, I fully realize that other complex problems are besetting this vital industry. The problems of the textile industry overlap many other national problems. We must be concerned with the relationship of the textile mill to the American farmer. We must be concerned, too, with problems of labor and transportation, and with the status of research and development work being conducted on natural and synthetic fibers for which new uses are being found for their textile products. We must take a comprehensive look at the whole picture.

No doubt there are a number of specific ways in which Congress could give some relief to the textile industry. The committee should give careful consideration to the proposed enactment of legislative import quotas, and to proposed legislation to remove the power of the President to overrule the Tariff Commission.

We cannot expect that any single piece of legislation will work miracles in an industry which is so seriously depressed. We must develop a comprehensive program based on a thorough analysis of all of the causes of the decline of the American textile industry.

We need not direct our efforts at finding scapegoats. It should not be necessary to level accusations, for political purposes, at any political party or at any group of individuals within a political party.

Our purpose must be to look at the past only as prolog to the future. In our outlook, we must be completely constructive and objective.

Mr. President, as a member of the Interstate and Foreign Commerce Committee, I am confident that the members of the committee are unanimous in wishing to conduct a thoroughly constructive study, one that will produce a basis for legislation that will be of important and permanent benefit to the textile industry.

If this is done, we shall have made a large contribution to the welfare of the entire American economy.

Mr. President, it will be a pleasure for me to cooperate in every way I can with the subcommittee, under the fine leadership of the distinguished and able Senator from Rhode Island [Mr. PASTORE].

Mr. COTTON. Mr. President, I simply wish to say that, as the author of Senate Resolution 287, I made some general comments regarding the purpose of the resolution on April 14, the day it was submitted to the Senate.

I should like to express my own appreciation for the cooperation and work that has been done on the resolution first by members of the Interstate and Foreign Commerce Committee, whose States were particularly interested in textile problems, namely, the distinguished Senator from Rhode Island [Mr. PASTORE], the distinguished Senator from South Carolina [Mr. THURMOND], the distinguished Senator from Connecticut [Mr. PURTELL], and the distinguished Senator from Maine [Mr. PAYNE]. I should also like to say that other sponsors of the resolution were most helpful, as were many others interested in this matter. I deeply appreciate their cooperation.

If it is proper to say so, I should like to say I am sure the distinguished chairman of the Committee on Interstate and Foreign Commerce, the able Senator from Washington [Mr. MAGNUSON], needs no advice from a junior member of the committee, but if he decides to do what I hope he will do, name the ranking majority member of the committee, the Senator from Rhode Island [Mr. PASTORE], to head the investigation and act as chairman of the special committee, I for one will be greatly gratified and encouraged. I know that under his leadership we would have, not simply a

gesture, but a real, conscientious attack on the problem.

As a representative of the people of a State that has suffered greatly in the textile field, I shall be deeply interested in the progress of the investigation.

Mr. PASTORE. Mr. President, I move the adoption of the resolution.

The PRESIDING OFFICER (Mr. CLARK in the chair). The question is on agreeing to Senate Resolution 287, as amended.

The resolution (S. Res. 287) was agreed to, as follows:

Resolved, That the Committee on Interstate and Foreign Commerce, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, to conduct a full and complete study of all factors affecting commerce and production in the textile industry of the United States, including but not limited to (a) the extent, nature, and causes of the decline in interstate and foreign commerce in textile mill products; (b) the decline in employment in the textile industry; (c) the effects of policies and programs of the Federal Government on the industry; and (d) the impact of commercial policies of other nations on the industry.

SEC. 2. For the purposes of this resolution, the committee, from the date on which this resolution is agreed to until January 31, 1959, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1959.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. PURTELL. Mr. President, as a cosponsor of Senate Resolution 287, I am, of course, pleased to know that the resolution has been unanimously agreed to today, and that the Senate has now authorized the committee to conduct a full and complete study of all factors affecting commerce and production in the textile industry of the United States.

I wish to express my pleasure and appreciation to the distinguished Senator from New Hampshire [Mr. COTTON] and the distinguished Senator from Rhode Island [Mr. PASTORE] for their efforts in seeing that this proposal was given timely consideration.

Not only is the textile industry a sick industry today, but so are the many small communities which depend upon textile activity. I can think of nothing in our whole economic picture which requires a better and fuller understanding or is more in need of investigation than the textile industry.

It is reassuring to know that we can tell our people back home in the textile areas that at least a full and complete picture will be shown of the textile industry, and the illnesses from which it is suffering, and I hope we may be able to enact legislation which will permit the industry once again to become a thriving segment of the Nation's economy.

Mr. PAYNE. Mr. President, I shall take but a few moments to express my gratification over the action taken by the Senate in unanimously agreeing to the resolution, which was submitted by my distinguished colleague, the junior Senator from New Hampshire [Mr. COTTON]. I happen to be one of the cosponsors. The reason why I shall not speak at length now is that several weeks ago I took ample time on the occasion when I spoke for about 2½ hours concerning the difficulties affecting the textile industry. Those difficulties have been pretty well documented.

However, I want to say my distinguished colleague, the Senator from New Hampshire, followed through on a very important phase of this activity in having the resolution agreed to.

I wish likewise to pay tribute at this time to my colleague, the Senator from Rhode Island [Mr. PASTORE], for he and I not only serve together in this body, and serve together on the Committee on Interstate and Foreign Commerce, where I have enjoyed working with him, but he and I also happen to be from an area of the country in which the textile industry has been particularly hard hit; and we also served as fellow governors of neighboring States when the problems of the industry were under discussion and consideration.

I join in the hope expressed by the junior Senator from New Hampshire [Mr. COTTON] that the Senator from Rhode Island [Mr. PASTORE] will be appointed chairman of the particular committee, because he has an intimate knowledge of the industry itself, and of the problems his State faces as well as the problems my State faces in this field. The committee certainly would get off to a proper start under the able, competent, and intelligent direction of one who really understands the problem and will work to try to come up with the answers.

Let me congratulate the Senator on the leadership he has displayed today in getting the resolution agreed to by the Senate. I hope we shall proceed with the work at hand, and perhaps come up with some of the answers which will provide help to the many thousands of people throughout the country who are affected by the decline of the textile industry.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

Mr. PASTORE. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1459, H. R. 4640, so that it may become the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 4640) to amend the Civil Service Retirement Act with respect to payments from voluntary contributions accounts.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

Mr. KNOWLAND. Mr. President——

The PRESIDING OFFICER. The Senator from California.

Mr. KNOWLAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

Anderson	Frear	McClellan
Barrett	Green	McNamara
Beall	Hayden	Morton
Bricker	Hennings	Pastore
Carlson	Hoblitzell	Payne
Church	Johnson, Tex.	Proxmire
Clark	Johnston, S. C.	Revercomb
Cooper	Kefauver	Stennis
Cotton	Kennedy	Talmadge
Curtis	Kerr	Wiley
Dirksen	Knowland	Williams
Dworshak	Kuchel	Young
Ervin	Lausche	
Flanders	Martin, Pa.	

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. HILL], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Oregon [Mr. MORSE], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

The Senator from Louisiana [Mr. ELLENDER] is absent because of a death in the family.

Mr. DIRKSEN. I announce that the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senators from New York [Mr. IVES and Mr. JAVITS], and the Senator from Kansas [Mr. SCHOEPPEL] are absent on official business.

The Senator from Indiana [Mr. JENNER] is necessarily absent.

The PRESIDING OFFICER (Mr. KERR in the chair). A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. AIKEN, Mr. ALLOTT, Mr. BENNETT, Mr. BIBLE, Mr. BRIDGES, Mr. BUSH, Mr. BYRD, Mr. CARROLL, Mr. CASE of New Jersey, Mr. CASE of South Dakota, Mr. DOUGLAS, Mr. EASTLAND, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. HICKENLOOPER, Mr. HOLLAND, Mr. HRUSKA, Mr. HUMPHREY, Mr. JACKSON, Mr. JORDAN, Mr. LANGER, Mr. MALONE, Mr. MANSFIELD, Mr. MARTIN of Iowa, Mr. MONRONEY, Mr. MUNDT, Mr. MURRAY, Mr. NEUBERGER, Mr. O'MAHONEY, Mr. POTTER, Mr. PURTELL, Mr. ROBERTSON, Mr. RUSSELL, Mr. SALTONSTALL, Mr. SMATHERS, Mrs. SMITH of Maine, Mr. SMITH of New Jersey, Mr. SYMINGTON, Mr. THURMOND, Mr. THYE, Mr. WATKINS, and Mr. YARBOROUGH entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. KERR in the chair). A quorum is present. The question is on agreeing to the motion of the Senator from Rhode Island that the Senate proceed to the consideration of H. R. 4640.

Mr. JOHNSON of Texas. Mr. President, I have talked with the distinguished chairman of the committee who reported H. R. 4640, and with some members of the minority, both on and off that committee. I am informed that there is a considerable divergence of view with regard to the merits of the bill, and that the minority, at least, feels it should not be acted upon at this time.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I shall be happy to yield when I have finished my statement. In view of the importance of the proposed legislation, and in order to avoid taking the time of the Senate on a matter on which I would hope the members of the committee could be reconciled, I do not believe it to be in the interest of the Senate to proceed further with the consideration of the bill at this time.

Before the measure was called up, I had expressed the view that it would not be considered if it were opposed actively by the minority. Therefore, I do not propose to ask the Senate to proceed to the consideration of the bill. I shall shortly make a motion to take up another bill, but first I shall yield to the Senator from Delaware and to any other Senator who wishes to speak on the matter.

Mr. WILLIAMS. Mr. President, notice was given that this bill would be taken up in the Senate. I see no reason why it should not be taken up and disposed of. I do not believe it would take very long to dispose of it. The Senator from Kansas [Mr. CARLSON], the ranking minority member of the Committee on Post Office and Civil Service, is on the floor, and I understand that he has no objection to taking it up and debating it on its merits. Let us dispose of the bill. Why should it be left on the calendar? We have been here for 2 days expecting to take action on the bill. It seems to me it would be much better procedure to take up the bill now and dispose of it since we have been expecting for 2 days to act on it. The Senator from Kansas is on the floor, and I see no reason why we should not take it up and act on it in one way or another.

Mr. JOHNSON of Texas. I am glad to have the Senator's point of view. I would be glad to yield to the Senator from Kansas if he desires to express his view.

Mr. CARLSON. As I said before, I do not propose to oppose the bill, but I do believe that some changes should be made in it, and I also believe that the bill should have some study. If it is possible to amend the bill on the floor, that is agreeable with me. I would have no objection to proceeding with the consideration of the bill if the Senator from Delaware desires that the Senate do so. I would not oppose proceeding with the consideration of the bill, but I do believe that some amendments should be added to it.

Mr. JOHNSON of Texas. I understood the Senator from Kansas to say he feels it would not be the better part of wisdom for the Senate to consider the bill at the present time.

Mr. CARLSON. I would say to the distinguished Senator from Texas that it is poor policy to write legislation on the floor of the Senate. In my opinion, the bill should be amended in certain respects.

Mr. JOHNSON of Texas. I spoke to the Senator from Delaware about the bill yesterday, and I told him I had no desire to bring up the bill merely for the purpose of passing it or defeating it, if it is a controversial bill, and if it has not received the study that many Senators feel it should receive. I asked him whether he would insist on yea and nay votes in connection with it, but I did not get any assurance from him. I did feel, since the Senator from Kansas was prepared to take up the bill, and was prepared to proceed with its consideration, we could go ahead and act on it. It is now late in the afternoon. I was informed by the Senator from Kansas that he did not think we should proceed with the bill, and I have no desire to proceed with it. I hope to be able to talk with the chairman of the committee and the ranking minority member of the committee to determine whether the bill should receive further study.

If it is their desire that it go over, I shall not take it up again without ample advance notice. I postponed it yesterday to enable the Senator from Kansas to be present when we took it up, as I did not wish to begin debate until I was assured that the Republican minority was ready.

I do not have a position on the proposed legislation one way or another. I was involved in a hearing, and I expressed the hope that the bill would be taken up, if the Senator from Kansas did not object and if the Senator from Delaware did not object. I do not believe we will gain anything by fighting over a bill on which opinion is so varied.

I am prepared to ask the chairman, if I am given the opportunity, to have the bill go back to his committee for further study. I would propose that we not ask Members to come to the floor to answer roll calls at this late hour on a bill we do not insist must be considered.

Mr. WILLIAMS. I should like to say to the Senator from Texas that I did not know it was the policy of the Senate that we would take up for consideration only those bills upon which the majority leader had polled the Members and had gotten approval to proceed with the consideration. If so, that is a new procedure. When I was asked about it, I did not know that I was being polled for an opinion.

I might say that we are not too far in disagreement on the bill. If it were taken up, I would make a motion that it be recommitted to the committee, where it should have been kept in the first place until the committee had fully studied it. If the Senator from Texas has been advised by the chairman of the committee that the committee has not done its homework, and that they are willing to admit that they do not know what is in the bill, and are afraid to bring it up on its merits, let them say so. It is something that we should know if the committee is reporting proposed legislation with which they are not familiar and if they do not know what is contained in a bill they report. Certainly the Senate should know of such irresponsible procedure if it exists. Let us go ahead and debate the bill on its merits. I do not believe that we should merely sit back and say that just because someone may be for or against it we will not debate the bill. Congress and its employees have a right to know whether there is objection to the bill and upon what the objection is based.

I am ready to discuss the bill, and it will take very few minutes to explain my position and my opinion on it. I am confident that in a few minutes I could convince the Senate that this is bad legislation and should be defeated. I think the chairman and the majority leader know this and perhaps that accounts for the sudden change in procedure.

We have a right to hear from the chairman of the committee what he thinks is in the bill. If he does not know what is in the bill or what good it will do, I think he has been negligent as the chairman of the committee. I think that should be brought out. Then if the Senate believes, as I already do, that the committee has not given proper study to the bill and does not know what is in it—if they do not, I think they should not have reported the bill—the Senate can vote on my motion to send the bill back to committee. Frankly, I think that the sponsors of this legislation know what is in the bill but they have suddenly discovered that some of the rest of us also know.

Mr. JOHNSON of Texas. The Senator from Delaware is entitled to express his opinion, as is any other Member of the Senate or member of the committee. I do not necessarily share the Senator's opinion concerning the action of the committee.

When I was informed yesterday that it was extremely important that the ranking minority member of the committee be present before the bill was taken up, and that he wanted to be here, I consented to wait until he came. When I was informed that he was here and was ready to take up the bill, I had reason to believe, and so believed, that the Senate could act on the bill without much controversy. I thought the various viewpoints could be expressed, and the Senate could then decide between the conflicting positions.

When I came to the Chamber to respond to the quorum call, the Senator from Kansas [Mr. CARLSON] came to me and expressed his opinion that it would be unwise to act upon the bill as it is pending in the Senate. I said to the chairman of the committee today what I said to him yesterday. I have great confidence not only in him, but also in the ranking minority member of the committee, with whom I have served for many years in the House and Senate. I

said I did not propose to bring up at this hour a bill of this type about which there is great controversy, unless I had an opportunity to see if the different viewpoints could be reconciled.

Mr. President, I withdraw my motion to consider the bill, and I move that the Senate proceed to the consideration of Calendar No. 1543, Senate bill 3051.

The PRESIDING OFFICER. The bill will be reported by title for the information of the Senate.

Mr. WILLIAMS. Mr. President, may I ask the Senator from Texas if he has any intention of bringing up the bill at a later date?

Mr. JOHNSON of Texas. Not until I have given ample notice to every Senator of the minority who may be interested, and not until the chairman and the ranking minority member of the committee have gone over the bill further to see if a solution which will be in the national interest can be reached, and which will meet with the approval of the Senator from Delaware.

Mr. WILLIAMS. It was my understanding, in talking with both the chairman and the ranking minority member of the committee an hour ago that they were very anxious to bring up the bill. The chairman of the committee, especially, less than an hour ago said that he wanted to bring up the bill. So I am somewhat puzzled about what they found in the bill which has caused them suddenly to decide that they do not want to bring it up.

Mr. JOHNSON of Texas. Mr. President, may I have action on my motion?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

Mr. WILLIAMS. Mr. President, I should like to know if the chairman of the Committee on Post Office and Civil Service will give us——

The PRESIDING OFFICER. The clerk has not yet stated the bill by title.

ACQUISITION OF PART OF KLAMATH TRIBAL FOREST

The LEGISLATIVE CLERK. A bill (S. 3051) to amend the act terminating Federal supervision over the Klamath Indian Tribe by providing in the alternative for private or Federal acquisition of the part of the tribal forest that must be sold, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Mr. President, the bill was reported unanimously by the Committee on Post Office and Civil Service. After it was reported, I sent to the desk and had printed a number of amendments. These amendments were discussed with Senator WILLIAMS. He knows full well what they do.

We are asked why we did not get an estimate of cost. From whom shall we get an estimate? The Civil Service Commission cannot give it to us, because the bill affects only legislative personnel. The Commission has no information upon which to make an estimate. They have told us so repeatedly. In my opinion the retirement system as it affects the employees of Congress is in a far better condition, so far as solvency is concerned, than the other retirement system, for a number of reasons. At the proper time this will be explained fully.

Another consideration is that Congressional personnel, including the Members of the Senate and House and the attachés, do not have any career status. If a Member of Congress loses his seat, his employees lose their positions. If the administration is changed from Democratic to Republican or from Republican to Democratic, one group or another must give up their positions.

Mr. JOHNSON of Texas. If the Senator from South Carolina is willing, I should like to have my motion acted upon.

Mr. JOHNSTON of South Carolina. I am willing to have the bill go back to the committee. I think the amendments I have lying at the desk should be included in the bill. They will clarify the bill. I think every Senator who is a member of the committee will agree that something should be done to correct the present situation. As to just how that should be accomplished, there may be some disagreement.

Mr. JOHNSON of Texas. I ask that the opinion of the Senator from Oklahoma [Mr. MONRONEY] be obtained, that the opinion of the Senator from Kansas [Mr. CARLSON] be obtained, and that the opinion of the Senator from Delaware [Mr. WILLIAMS], who devotes a great deal of work to legislation of this kind, be obtained.

I had stated to the Senators concerned that I preferred that the bill should not be taken up unless and until those Senators had reached agreement. When I came to the Chamber, the Senator from Kansas made it very clear to me that no agreement had been reached. I think it the better part of wisdom to have the Senate proceed to the consideration of another bill. I will attempt to work out with the chairman and the ranking minority member of the committee a plan to insure such consideration as the bill may require.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas.

Mr. WILLIAMS. Mr. President, if the Senator from Texas is now so desirous and willing to have the bill returned to the committee, and I understand the chairman of the Committee on Post Office and Civil Service does also, because they recognize that there are inequities in the bill, why not send it back to the committee? Why not bring up the bill and recognize that it is an imperfect piece of proposed legislation? Then the Senate can vote to send the bill back to the committee, where it belongs.

For the information of the rest of the Senate, I will point out some of the inequities in this bill. For instance, it has always been a principle of retirement, whether it be Government retirement or retirement in private business, that when a person retires he loses a part of his earning power.

The Senator from South Carolina, the chairman of the committee, said that I had approved his amendments to this bill as correcting the inequities. That is not true.

If this bill were passed, some Members of the Senate and House of Representatives could retire and draw retirement benefits substantially higher than their present Congressional salary. If that is what we are going to do, that is an entirely new principle. I should like to hear the Senator from South Carolina defend that principle.

There are employees working on Capitol Hill today who, if the bill were passed——

Mr. JOHNSTON of South Carolina. Mr. President——

Mr. WILLIAMS. I will yield the floor when I have finished. The Senator had the floor in his own right a moment ago. I ask that he wait until I have finished explaining some of these embarrassing points.

There are employees working on Capitol Hill today who, if the bill shall be passed, could retire the day after its enactment and get 25 or 30 percent more than their present salary. Since when should that formula of retirement be established?

For several weeks, we have heard great expressions of pity from the other side of the aisle for the poor workingmen and widows who are handicapped by the high cost of living. The Senate debated for months the wisdom of reducing the age limit for widows under the Social Security from 65 to 62. Finally, after much deliberation, the age limit was reduced to 62.

But what is proposed under the retirement bill before us is to enable Members of Congress and our employees having as little as 20 years of service, 5 of which were on Capitol Hill and 15 years anywhere else in the Government service, to retire at full retirement at the age of 50. That is a great departure from any system which has been provided heretofore.

The chairman of the committee says that they cannot get an estimate of cost from the Civil Service Commission. Certainly, no estimate can be obtained if you do not ask for it. An estimate cannot be obtained if it is not requested. The fact is the committee never requested an estimate from the Civil Service Commission; and no hearings were held on the bill.

The committee wrote the kind of bill it wanted, but they apparently did not care about the cost of the bill.

I had no trouble obtaining from the Civil Service Commission an estimate of the cost of the bill if enacted. I asked Mr. Ellsworth, the Chairman of the Civil Service Commission, what the provisions of the bill would cost if the benefits which are proposed to be received by the Members of Congress and the legislative employees were extended to all civil-service employees and on the assumption of increasing for all the employee contribution rate to 7½ percent.

Under the bill the contributions made by all the legislative employees and by the Members of Congress are changed to the 7½ percent rate. If this same formula of benefits were to be extended

to all civil service employees on the same basis as this bill proposes for Members of Congress and Congressional employees the cost to the Federal Government would be—according to the estimate which has been made by the Chairman of the Civil Service Commission—$830 million a year over and above the cost of the present civil service retirement system.

So, Mr. President, that is what the Senate is asked to vote on. The chairman of the committee knows that that is what the Senate is to be asked to vote on, and with this prospective cost exposed he dares not bring the bill up for a vote.

Frankly, I believe they are ashamed of the bill. Certainly they should be ashamed of it.

I should like to see the bill voted on, for I am confident that when it is brought to a vote, the Senate will return the bill to the committee.

Mr. President, I do not believe that any Member of the Senate has the nerve to vote for a bill which has the purpose of requiring his constituents to pay him more money if they vote to retire him from Congress by defeating him in an election, than he would receive if he continued to serve in the Congress. That is ridiculous. Yet under this bill, as reported by the Committee, several Members of Congress would receive retirement pay from the Government in excess of their present salary.

It is said that there is one little "safety catch" in the bill; namely, that one would have to be involuntarily separated from the service. Well, Mr. President, whoever heard of a Member of Congress who was otherwise separated from Congressional service? [Laughter.]

Mr. President, this bill should properly be labeled as a Congressional gravy train; and the intent was to ram the bill through the Senate with little or no explanation. But now that the facts have been exposed, those who favor the bill do not have the guts to ask the Senate to vote on it.

They wish to withdraw quietly from the scene.

Mr. JOHNSON of Texas. Mr. President, the Senator from Delaware knows better than anyone else does that no one has attempted to ram the bill through the Senate. Notice regarding the bill was given several days ago. Consideration of the bill was deferred until the Senator from Kansas [Mr. CARLSON] could come to the floor.

I had understood that the Senator from Kansas was willing to have the bill taken up.

I, myself, know little about either the merits or the demerits of the bill. I have not gone over the details of the report. I have not discussed it with anyone except the Senator from Delaware [Mr. WILLIAMS] and the Senator from Kansas [Mr. CARLSON], aside from a very brief statement which I made to the chairman of the committee.

I know of no opposition to the proposal to have the Senate vote on the bill.

However, in view of the objection which has been made and in view of the request of the chairman of the committee, I have withdrawn the request for consideration of the bill.

I hope the bill will be considered. I hope any defects in the bill will be pointed out by the Senator from Delaware to the committee. If the Senator from Delaware had pointed them out to me, I would have called attention to them. I asked the Senator whether he wished to have a yea-and-nay vote taken on the resolution, but he said he did not know whether he would wish to have a yea-and-nay vote taken on it.

I said to several Members on this side of the aisle that I had served long enough with the Senator from Delaware to believe that he would oppose the bill; and that when the bill was taken up, there would be yea-and-nay votes; and I said that if consideration of the bill would disturb the schedule of the Senate and would require the Senate session to continue late into the evening, I did not think that course of action should be followed.

I also stated that unless the bill could be made acceptable to the Senator from Delaware and the Senator from Kansas, I doubted the wisdom of having the Senate consider the bill. I doubted it then, and I doubt it now.

I believe further consideration of the bill should be postponed until tomorrow. The Senate will take up on tomorrow, I hope, only what we believe to be minor bills.

Mr. WILLIAMS. Mr. President, I appreciate the concern of the Senator from Texas for orderly procedure. I am perfectly willing to agree that the Senate vote on the motion to recommit, under an agreement that debate on each side be limited to 15 minutes. If that is done, it will be possible for the Senate to vote on the motion by 5:30 p. m.. So far as I am concerned, I shall be perfectly willing to agree to such limitation on debate.

Mr. JOHNSON of Texas. Mr. President, I would remind the Senator that the motion now before the Senate is on the question of having the Senate proceed to the consideration of Calendar No. 1543, Senate bill 3051.

Mr. WILLIAMS. But before some of us found out what was provided by House bill 4640, a motion was made to have the Senate proceed to the consideration of that bill, the so-called retirement bill. Why the sudden change?

Mr. JOHNSON of Texas. I attempted to ascertain the position of the Senator from Delaware on the bill. I did so as courteously as I could, and I did so on two or three occasions.

I was not in the Chamber when this situation developed. At that time I was out of the Chamber, presiding over a committee.

If the Senator from Delaware had told me earlier what he has just stated, I would have opposed the motion to have the Senate proceed to the consideration of the bill.

Now I am attempting to get the ranking minority member of the committee and the chairman of the committee together, in the hope that the bill can go back to the committee.

I assure the Senator from Delaware that the bill will not be taken up without ample advance notice to him and to all other Members of the Senate. I should think that would satisfy everyone.

Mr. JOHNSTON of South Carolina. Mr. President, I move that House bill 4640 be recommitted to the Committee on Post Office and Civil Service, for further study.

Mr. JOHNSON of Texas. Mr. President, I hope the Senator from South Carolina will not make that motion now.

The PRESIDING OFFICER (Mr. CHURCH in the chair). The Chair is advised that the Senator who moved that the Senate proceed to the consideration of House bill 4640 has withdrawn his motion.

At this time the question is on agreeing to the motion that the Senate proceed to the consideration of Calendar 1543, Senate bill 3051. That motion is debatable.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Delaware will state it.

Mr. WILLIAMS. Would a motion to recommit House bill 4640 to the Committee on Post Office and Civil Service be in order at this time?

The PRESIDING OFFICER. Such a motion would not be in order at this time for the reason that the bill is not before the Senate.

Mr. WILLIAMS. Mr. President, I do not wish to delay the Senate. However, I overlooked placing in the RECORD certain computations which I asked the Civil Service Commission to make, showing how the bill would compare with existing law.

The computation made by the Commission shows how the present benefits compare with those which would be available if House bill 4640 were enacted into law.

The first example is for employees who would be separated from the service at age 50, after 25 years of service—at least 5 of which would be Congressional employment—at an estimated average salary of $10,000. Of course, if the average salary were $5,000, the figures in the computation would be one-half of the ones arrived at on the basis of an average salary of $10,000.

In the case of such an employee with an average salary of $10,000, the computation shows that under existing law he would be able to retire at age 62 with an annual annuity of $4,875, whereas if House bill 4640 were enacted into law, such an employee could retire immediately at age 50 and could draw $6,250 annually.

By the time such an employee reached age 62, he would have drawn $75,000 in cash from the retirement fund, and even then he could, for the rest of his life, from age 62 on still receive $6,250 annually, as compared with $4,875 annually under existing law.

In the second case, the computation shows that the employee would receive, under existing law, $5,125 annually, again payable when he reached age 62. If we assume that today he is age 50, and that he has served for 25 years, with

a minimum of 5 years of legislative service, this employee likewise would, under the provisions of the bill, receive $6,250 a year immediately; and after he retired, he could enter employment in private industry. But he would immediately upon retirement draw $6,250 a year, and would continue to draw it for the rest of his life.

Those examples show what would occur under the proposed Congressional gravy train.

Knowing that some of these glaring examples of benefits were about to be exposed to the Senate perhaps accounts for the sudden lack of enthusiasm on the part of the sponsors of the bill to press the legislation at this time.

Mr. CURTIS. Mr. President, will the Senator from Delaware yield to me?

Mr. WILLIAMS. I yield to the Senator from Nebraska.

Mr. CURTIS. I may call to the attention of the Senator from Delaware several cases which show how the measure relates to the Members of Congress.

These figures were computed by a Government actuary who, in my opinion, is without equal.

Let us consider a Member of Congress of age 60, with 5 years of Member service and 5 years of service in the executive branch: Under present law, he is eligible to receive an annuity of $4,500 a year, at age 62, whereas, under the provisions of the bill which has been discussed during the last few minutes, he would become eligible for an annuity of $5,625 immediately. The actuarial value of the more liberal annuity provision would be $25,800.

That is computed, according to the 1949 table, the one that is generally used by insurance companies for annuity purposes, at 3 percent interest. That $25,800 increase in actuarial value is given to Members without any increase in contribution.

Another case, a Member of Congress, age 55, who has 15 years of Member service, and 15 years of service in the executive branch: Under present law, he is eligible for an immediate annuity of $13,627, whereas, under the bill, he would be eligible for an annuity of $16,875. The actuarial value of this increased benefit is $50,200.

I am sure there are features in this bill that were not known to anyone and that have not been developed by the exhaustive testimony of actuarial authorities.

Mr. WILLIAMS. I thank the Senator from Nebraska. His statement further supports the position I have taken, that this bill is nothing more than a so-called gravy-train. No hearings were held. No effort was made on the part of any member of the committee to get actuarial costs.

While many things happened with respect to this bill that nobody knew anything about, I have yet to find that it takes anything away from anybody. All the mistakes are against the taxpayers. I will say there is plenty in it for anybody who is mentioned in the bill.

Case No. 3 was that of a man who, with 25 years' service, age 50, same salary, would under existing law be eligible, at age 62, for benefits of $5,125. If the pending bill shall be passed, without waiting until he is 62, if he quits Government service, he goes immediately on the retirement rolls and gets $6,250.

Likewise, the fourth man would be entitled to benefits of $5,375 at the age of 62 but under the committee proposal he could retire at age 50 with a pension of $6,250.

It is stated often that we do not know whether we can afford to increase benefits under the Railroad Retirement Act or under Social Security, but when it comes to Members of Congress or employees on Capital Hill this bill pulls out all stops.

How about extending this to everybody who works for the United States Government? What will the taxpayers say about an additional $830 million extra annual cost?

The Chairman of the Civil Service Commission was not asked by the committee for any testimony on this bill. He did not refuse to furnish them an estimate of cost; he was not asked for any testimony. If he was, I wish the chairman would tell me, because I was told no such request was made.

We are told that if this bill is passed and its benefits are extended to all employees in the United States Government, and at the same time their contributions are raised to 7½ percent, it will cost the American taxpayers $830 million a year over and above what the system now costs.

I say again, it is a gravy-train. If this bill is motioned up at a later date, I serve notice that I intend to make a motion to refer it back to committee.

The extreme liberality of this bill cannot be justified.

Mr. JOHNSON of Texas. Mr. President, I rise to observe, for the benefit of my friend from Delaware, first, if he had made any such statement to me on any of the three occasions when I talked to him, we would not have moved to take the bill up.

Second, I have stood on the floor of the Senate several times and asked that measures be thoroughly considered before they are voted on—not only bills, but amendments. I have no desire to change that policy at this late date.

I was informed by the Senator from Kansas that this bill needed further hearings, and he did not think it should be considered. I immediately made my statement to the Senate. If I had been informed of his desire by the Senator from Delaware, I would have followed the course of conduct I have outlined.

I hope to have a meeting with the chairman and ranking minority member and evolve a procedure that will be satisfactory to every Member of the Senate in connection with this proposed legislation.

Mr. LAUSCHE. Mr. President, I shall support the motion of the majority leader. However, after discussions are had with the ranking minority member, if there is any question about the great lengths to which this bill goes, I shall subsequently support a motion to recommit it to the committee.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas, that the Senate proceed to the consideration of Senate bill 3051.

The motion was agreed to, and the Senate proceeded to consider the bill (S. 3051) to amend the act terminating Federal supervision over the Klamath Indian Tribe by providing in the alternative for private or Federal acquisition of the part of the tribal forest that must be sold, and for other purposes.

ORDER FOR ADJOURNMENT

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today it stands in adjournment until 12 o'clock tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATHLETES NAMED TO MINNESOTA SPORTS HALL OF FAME

Mr. THYE. Mr. President, in today's Washington Evening Star appeared a small news item under the heading "Minnesota Puts 17 in Hall of Fame." It is an Associated Press story, and the first sentence reads:

Seventeen Minnesota athletic greats were named last night to a newly created Minnesota Sports Hall of Fame.

Many of the athletes are personal friends of mine. They were great athletes. Many more could be mentioned as athletes who at one time resided in or were born in Minnesota and then moved to other States.

It was a great pleasure for me to note, and to join in paying tribute to them, the names of some of the persons who have been recognized, because they are still living, and it is a great tribute to them:

Bernie Bierman, football coach; Tommy Gibbons, boxer; Frank "Moose" Goheen, hockey player; Bronko Nagurski, who is still living and is a personal friend of mine; Johnny McGovern, great football player.

I could mention the names of all the great athletes who were honored, but I ask unanimous consent that the small news article be printed in the body of the RECORD along with my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star of May 6, 1958]

MINNESOTA PUTS 17 IN HALL OF FAME

MINNEAPOLIS, May 6.—Seventeen Minnesota athletic greats were named last night to a newly created Minnesota Sports Hall of Fame.

Ten were present to receive the honor in person at a sports champions dinner honoring 1,958 State sports notables as part of Minnesota's centennial year celebration.

Golfer Patty Berg, only woman selected, was unable to attend. Six on the list are dead.

In addition to Miss Berg, the living members are:

Bernie Bierman, football coach; Tommy Gibbons, boxer; Frank "Moose" Goheen, hockey player; Bronko Nagurski and Johnny

McGovern, football players; George Mikan, basketball player; Fortune Gordien, discus thrower; Jimmy Johnston, former national amateur golf champion; Tommy Milton, auto racer; and Walter Hoover, onetime sculling champion.

Deceased members are Chief Bender, baseball pitcher, who was born on a Minnesota Indian reservation; Pudge Heffelfinger, Minnesota-born football player; Bob Dunbar, curler; Mike Gibbons and Mike O'Dowd, boxers; and Dr. Henry L. Williams, former Minnesota football coach.

INCREASED EQUIPMENT MAINTENANCE ALLOWANCE FOR RURAL CARRIERS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3050) to increase the equipment maintenance allowance for rural carriers, and for other purposes, which was, on, page 1, line 8, strike out "11" and insert "10."

Mr. JOHNSTON of South Carolina. Mr. President, the amendment of the House of Representatives to Senate bill 3050 is minor in character, but I should like to explain it. The matter has been cleared by both sides.

As passed by the Senate, the bill would have increased the mileage allowance for rural carriers to 11 cents a mile. The House amended it to 10 cents a mile, resulting in a saving of approximately $5,300,000.

I have talked with members of the committee. The matter has been cleared for action on the Senate floor.

Mr. President, I ask unanimous consent that a statement explaining the bill as amended be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JOHNSTON OF SOUTH CAROLINA

On March 31, 1958, the Senate passed S. 3050, to increase the equipment maintenance allowance for rural carriers. As passed in the Senate, the bill would have increased their mileage allowance from 9 cents to 11 cents and fixed, for the first time, a minimum daily allowance.

Yesterday, the bill was passed in the House with one amendment. The amendment reduced the mileage allowance from 11 cents to 10 cents. The chairman of the House committee introduced a letter from Ray L. Hulick, president of the National Rural Letter Carriers Association, dated May 1, 1958, indicating this reduction meets with the full approval of his association. Also introduced was a letter from the Postmaster General indicating approval of the action.

In view of this, I think the Senate has no alternative but to recede from its position and accept the bill as passed by the House. The bill as passed in the Senate would have cost $11,200,000 as against the House bill which will cost $5,900,000 annually.

As can be seen, this action on the part of the House reduces payments that will go to rural carriers by some $5,300,000 a year.

I wish to commend Senators YARBOROUGH and PROXMIRE, who sponsored S. 3050, for their perseverance in behalf of this greatly needed legislation. I regret, and I am sure they do, too, that the bill was not approved in its original form, as I believe the more liberal allowance contained in the Senate bill was completely justified. However, under the circumstances, we have no further choice in the matter at this time.

Mr. JOHNSTON of South Carolina. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina.

The motion was agreed to.

Mr. JOHNSTON of South Carolina. Mr. President, I may say that some of the members of the committee felt that the Senate was right, but, under the circumstances, we thought it best to accept the amendment of the House.

Mr. YARBOROUGH. Mr. President, in passing today S. 3050, a bill to increase the equipment maintenance allowance paid rural letter carriers, the Senate has acted to correct a financial injustice which has been suffered by this group of postal employees.

It was my pleasure to sponsor this merited legislation, together with my colleague, the Senator from Wisconsin [Mr. PROXMIRE]. The subcommittee, headed by the Senator from Idaho [Mr. CHURCH], and the full Committee on Post Office and Civil Service, under the able leadership of the Senator from South Carolina [Mr. JOHNSTON], deserve words of praise for expediting consideration of this legislation.

The National Rural Letter Carriers' Association, representing the Nation's rural carriers, also deserve credit for their untiring efforts in presenting factual data which substantiated the urgent need for enactment.

S. 3050, as passed, is not as liberal in its provisions as the original bill. It does, however, represent a compromise which we did work out in order not further to delay action. The compromise accepted today should assure this proposal becoming a law in the very near future.

STUDY OF SPACE AND ASTRONAUTICS

Mr. ANDERSON. Mr. President, under the leadership of the distinguished majority leader, Senator LYNDON JOHNSON, of Texas, there has been a meeting of the Senate Special Committee on Space and Astronautics, of which he is the chairman, to hear Dr. James Doolittle, who is vice president of the Shell Oil Co. and chairman of the National Advisory Committee on Aeronautics, in conjunction with Senate bill 3609.

This marks the beginning, as far as the Senate is concerned, of hearings which can be of enormous importance to the United States. Without attempting to go into details, I can surely say that some of us who have been serving on the Joint Committee on Atomic Energy are extremely interested in the hearings and the conclusions which the Congress and the country will finally reach. We have been attracted to the possibilities of space flight and to the possibility that manned vehicles can travel between the Earth and the Moon, Mars, and Venus, and the possibilities of interplanetary and interstellar travel are extremely attractive. We have had much testimony to the effect that a manned flight back and forth between the Earth and Mars, for example, can only be possible through the medium of nuclear propulsion, and we, therefore, have an extremely alert interest in who shall direct the research looking toward that eventuality.

As I shall probably say many times during the hearings, it is strange that the bill recommended by the President makes no mention whatever of nuclear propulsion. That fact alone will cause a great many people to stop and wonder whether we will orient our course toward ultimate success or certain failure. Once the hearings start, I hope to give undivided attention to that question. Therefore, I thought it might be well, on the opening of the hearings, to say a few words about previous problems, and specifically the problems of the bill which came from the Bureau of the Budget, in order that some of the points I raise may be in the minds of the members of the committee as they examine the testimony of Dr. Doolittle and those who will follow him on the witness stand.

On October 4, 1957, our illusion of scientific superiority was shattered, and the advent of the space age found us without policy or program. As a nation, we did much soul searching, and found that our own space exploration programs had been treated lightly at the highest levels, while the Soviets had been engaged in longtime planning and programing.

As early as 1955, the Soviet Union had established a Commission on Astronautics with specific responsibilities and power to direct scientific laboratories and research centers to work on outer space development. They had a program. They seemed to know where they were going. Now, almost 4 years after the founding of the Soviet Space Agency, the President has forwarded a message and a legislative proposal for the beginning of an astronautical program in the United States.

The proposal calls for the creation of a new outer space agency built around the present National Advisory Committee for Aeronautics. The Congress has responded promptly, and is now holding hearings. Of course, much more could have been done in these 8 months and earlier, under existing law, but this is now somewhat irrelevant.

In approaching outer-space legislation, we must first examine the reasons why and explain to ourselves and the public the need for appropriating funds for the development of satellites, space vehicles, and the later exploration of outer space. To date many reasons have been proffered, but I have seen few concise explanations.

The reason why is a dynamic composite of many things, all of which surround our destiny as a leader among nations.

The primary reason why we must have an astronautical program is to explore the vast unknowns of the universe and harvest its scientific information. The material value of such knowledge is difficult to measure, but we have learned over the centuries that knowledge once applied to practical usage pays dividends a millionfold. When Dr. Einstein wrote to President Roosevelt and suggested

what was to become the atom-bomb program, who would have anticipated today's widespread industrial and medical use of isotopes, atomic power, or ships that can sail the oceans for years on their original charge of fuel?

An outer-space program offers us much knowledge in meteorology, biology, and astronomy, and within these and the many sciences there is much we will learn. In a more material sense, man would learn about the resources on the moon and the planets with a view toward their use after we have exploited the scarce resources of this world. This much is certain, exploration of outer space will afford us the priceless opportunity of looking at our own planet in a detached but highly advantageous position—a position man has long dreamed about and now finds within his grasp.

We should also have a program for purely military reasons. Some have said that the planet could be controlled, in military terms, from outer space, but this may be an overstatement. The weight of opinion is that the main military value of satellites or space vehicles would be in reconnaissance. When we remember that the allied armies stopped before Monte Casino for 5 months because a single reconnaissance point supported the enemy forces, we can assess the magnitude. A reconnaissance point in space could monitor the positions of armies, aircraft, shipping and particularly the position of all missile launching and storage sites on Earth.

Recently the President's Scientific Advisory Committee, whose chairman is Dr. Killian, published a report entitled, "Introduction to Outer Space." This report spoke of the military applications of space technology in the same terms of communications and reconnaissance but it minimized the risk of actual bombardment from outer space. Since then Dr. Werner von Braun has taken issue with the report, stating that actual bombardment of the Earth is quite conceivable from space satellites and vehicles. We might well add then, another military usage—that of strategic bombardment.

But we have learned with our atom and hydrogen bombs that the possession of a highly advanced weapon system alone does not assure the peace. To plan the usage of outer space for military advantage alone merely broadens the armament race and emphasizes preparation for war. But, the Science of Astronautics offers much more. It can be an avenue to peace and international accord. Here the major powers of the world might work together, and plan joint scientific ventures. There is an esoteric quality to outer space exploration and once man's mind is lifted from his own planet and into the universe, he might well forget his hatreds and work for human knowledge and understanding.

These are the reasons why we should promote the science of astronautics in the United States and have a national program.

The Congress now must decide what kind of a program there will be—whether it will truly be under civilian or military control—its size and scope—and what policy will be set to guide the executive branch.

The President has proposed a civilian agency and is to be congratulated for his enlightened approach. His concept should be accepted, for the arguments in favor of real civilian control, particularly if we are to consider this work as an avenue to peace, are indeed strong. But the mere calling for a civilian agency is not enough, because in practice, the military could dominate this field if we do not spell out the scope and power of the civilian jurisdiction.

I understand that following the President's decision in favor of a civilian control, the Bureau of the Budget was asked to prepare draft legislation embodying his concepts. This legislation was prepared and forwarded to the Congress but there is substantial conflict between the President's purposes and the draft received by the Congress.

I need not remind Senators how many times the Congress has rejected the exact wording of drafts prepared by attorneys in the executive branch and referred to appropriate committees along with the Presidential messages. Surely no one would look upon our failure to do so now, if indeed we do revise the Bureau of the Budget bill, as evidence of discord on this subject.

In fact, the same situation prevailed with the Atomic Energy Act of 1954. The Congress and the Executive were of the same political party then, and there was an intimate working relationship on atomic energy matters. When the decision was made to amend the 1946 Atomic Energy Act and permit private industrial participation, attorneys in the executive branch of Government prepared a draft proposal. The then chairman of the Joint Committee on Atomic Energy, Representative Sterling Cole, decided that this proposal did not spell out the agreed upon objectives and the proposal was discarded. A vastly different draft was prepared in the Congress but it was soon accepted by the Executive as an administration bill.

I believe that the draft outer space bill which the Bureau of the Budget has prepared presents the same problem, and hope that my comments on some defects will be accepted as constructive criticism. To cure these defects, revisions are needed, and perhaps a completely new bill must be written. Specifically, the problems are these:

The Bureau of the Budget tried to modify the existing legislation under which the National Advisory Committee for Aeronautics operates and make it into a bill for the Outer Space Agency. But the two concepts of the NACA and the Outer Space Agency are not compatible. They are at variance because the present NACA is essentially a research study and service group. It was created to carry on research for the military aviation branches, for the Civil Aeronautics Authority and in some respects for aircraft manufacturers. The NACA has never worked on or directed a complete project such as building the *Nautilus* or an ICBM. It merely studies a small phase of a project and lends advice to the agencies responsible for the project itself. Hearings by the Joint Committee on Atomic Energy revealed that NACA does no hardware development work.

The new agency envisioned in the President's proposal would direct whole projects and use contract powers to a great extent. It would not be simply a study group.

The NACA works through committees. On top of the agency, there is a 17-man committee made up of Government representatives and men from private walks of life. In addition to the main committee, there are many subcommittees, often in excess of 20, which are also composed of industry and Government people, both military and civilian.

In the new agency where important contracts would be awarded, the public interest would seem to reject such ill-defined, comingling of Government representatives and private parties. The appointees from private life would serve without compensation and, despite the utmost discretion in appointments, the potential at one time or other for conflicting interests surely seems great.

In this regard, I am most distressed by one provision of the Bureau of the Budget bill. While the bill incorporates NACA into the new agency, the present NACA law, providing for a 17-member committee of which 10 are appointed from the Government and 7 serve without compensation from private life, was changed. In modifying this law the Bureau of the Budget attorneys reversed the representations and chose to have 9 persons, the majority of the committee from private life, and only 8 from the Government. We find, then, that the Bureau of the Budget not only failed to be concerned over the comingling of private and Government persons in an agency with the power to contract on specific projects but they also—and obviously with deliberation—placed the majority control of the agency in the hands of private persons. They would divest the Government of control over the most dynamic program of this century.

I believe that these draftsmen from the Bureau of the Budget should be called before a committee of Congress to explain why they deliberately chose to change this provision.

At the same time I would like to hear why their bill makes provisions for the acceptance of gifts by the agency from private sources.

I do not mean to impugn the integrity of the Bureau of the Budget representatives nor suggest improper motives. I believe, however, that explanation of their thinking could help the Congress understand why the jurisdiction over outer-space matters should not be controlled by appointed Government officials, confirmed by the Senate, rather than by private parties.

Even if there were not his odious characteristic of private control, I would be at a loss to understand how 17 men can be truly responsible for the conduct of such vital work. While it is true that the Bureau of the Budget bill has the 17-man committee deciding upon only 4

subjects, these 4 topics go to the very root of the agency's affairs. The 17-man Board would have referred to them all policy, program, budget, organization, and major personnel matters. With that much power of decision, they obviously would control the agency.

One of the major problems in the United States in our advanced scientific and technical programs has been our inability to fix responsibility for success or failure of projects. Only in programs such as Admiral Rickover's work on the nuclear Navy has the Government been able to pinpoint responsibility. We have a broad body of experience to teach us that if we are to launch successfully large-size satellites and space vehicles and to explore outer space, the Agency we create should be constituted in such a way that someone is responsible.

Many experts have testified on the use of atomic power for launching and propelling space vehicles. The evidence seems overwhelming that any vehicle of substantial size and range must depend upon some form of nuclear energy as its propulsive force. If we contemplate the ability to maneuver in outer space or have round-trip explorations of the moon and other planets, nuclear energy must play a part. In terms of launching vehicles, thrusts of over 1 million pounds suggest the use of nuclear power. Soviet technical authors have not ignored this prospect and most recent works discuss the uses of nuclear power on space flight.

We should not delude ourselves that we have anything to hide from the Soviets, for they are obviously many years ahead. Recently I was examining an interesting little booklet entitled "Application of Atomic Engines in Aviation." It was published last November by the military press of the Ministry of Defense of the Union of Soviet Socialist Republics and has recently been translated by the Air Force.

On page 166 of this booklet there is an interesting passage regarding the relative desirability of nuclear and chemical fuels for the propulsion of interplanetary vehicles:

> At present, thanks to the progress made in nuclear physics, to the development of a rapidly progressing science of atom power, and to the creation of an atomic industry, we have come close to the solution of the problem of making use of atomic energy in rocket engineering.
>
> However, even today, many scientists believe that the first interplanetary trip by man will not be made with nuclear but with conventional chemical fuel. Another and in fact, much larger group of contemporaries hold that interplanetary flights are impossible with conventional chemical fuel and that a more powerful source of energy such as nuclear energy would have to be used.

Then if one turns to page 179 of this Russian booklet under the heading of "Conclusions," he will find this interesting passage:

> The question as to the necessity and possibility of applying atomic energy in aviation has already been given a positive answer and solution. This is primarily demonstrated in the directives of the 20th Congress of the Communist Party of the Soviet Union, which indicate the need to develop atomic engines for transport purposes.

I do not think that there can be much doubt that the Soviet Union is going ahead full blast with the development of nuclear propulsion for space rockets. The material in this little booklet leaves very little doubt on that score.

Despite such evidence, not enough is being done in this country to develop the technology of nuclear power application. For several years now, there has been a modest program for the application of nuclear power to military missiles, but the program has been so impeded by budget limitations it cannot test promising ideas. Dr. Norris G. Bradbury, director of the Los Alamos Scientific Laboratory, has to cook his pot too far back on the stove.

Within the atomic energy program, there are major Government laboratories employing some of the best scientific and engineering talent in the land—men deeply dedicated to the public good. Less than 1 percent of all these scientists and engineers have even had the opportunity to study the role of nuclear power as applied to missiles, much less outer space. Few have even had access to the technical information on nuclear missile work. We may feel certain the Soviet atomic scientists and engineers have not been denied this opportunity, particularly when we consider that the Soviet Commission on Astronautics can place requirements on such laboratories as it chooses.

And yet, between the time of the Soviet sputnik and now, no one, outside the Congress, has called upon the Atomic Energy Commission to increase its effort, and no requirements have been placed upon them to conduct broad studies on outer space propulsion. The President's bill and message are completely silent on atomic power and it may be that little thought has been given to the subject.

Of course, no new legislation is needed to start studies of atomic power application now; in fact, by simple administrative order, it could have started yesterday and it could start today. Only modest appropriations would be required because all of the facilities exist and the people are already employed. There would be no expenditures for components or hardware—only for study time. It seems incomprehensible that the order has not been given to start 4 or 5 of the major Government laboratories on broad studies.

On May 1 Dr. James Von Allen at the University of Iowa reported in connection with International Geophysical Year—IGY—research that unidentified forms of radiation might exist in the form of a belt many hundreds of miles outside the earth's atmosphere. Newspaper stories on this suggest that this could prove to be a barrier to manned satellites and a temporary hazard through which space vehicles would have to pass. The discovery does not affect the probability of travel, but the discovery does point up the fact that the laboratories who have the most experience with radiological hazard, those of the Atomic Energy Commission, should be utilized to the utmost in outer space research.

The discovery also emphasizes the desirability of nuclear propulsion because one of the difficulties with nuclear propulsion is the necessity for shielding against radioactivity. If it is necessary to shield a space vehicle against the newly discovered radioactive belt anyway, we might just as well use the most powerful propulsive force we have available. We can well remember as we evaluate this, that the U. S. S. *Nautilus* has inside of it a source of radioactivity which could kill all the ship's occupants in a matter of moments. The laboratories of the Atomic Energy Commission learned how to permit men to live in this environment and, in fact, be free from radiation. The same Atomic Energy Commission laboratories can solve the problem of human health from radioactivity in outer space and from proximity to nuclear propulsion plants on space vehicles.

The Bureau of Budget draft bill is silent on the international aspects of astronautics. The omission is indeed strange when we think of this science as a force for peace and see the ample provision for military representation in the agency. Certainly the Congress will wish to assure itself that there are strong policy and substantive provisions on the subject and assure, at the very minimum, that the Department of State is informed of the activities of the agency so that it can approach international conferences intelligently.

The Bureau of the Budget's legislative proposal contains no section on patents. Its silence leaves patent awards in the hands of the new space agency. Since the Bureau of the Budget's bill provides for the majority of the board controlling the agency to be from private life, one would wonder what thought was given to protecting the Government's interest in the patent rights arising out of contracts for research and development of outer space components. I am sure most members of the Congress remember the many weeks of debate over the patent clauses of the Atomic Energy Act when a few of us insisted upon protecting the public interest in the atomic energy field with appropriate patent provisions. Any legislation the Congress now approves for space should have similar provisions.

At present, the National Advisory Committee on Aeronautics is required to come before Congress and obtain specific authorizing legislation before they can construct new facilities or expand existing ones. When the draftsmen at the Bureau of Budget incorporated the present NACA structure into their bill they deleted this provision.

When we consider that the United States has billions of dollars invested in laboratories and other facilities spread all over the United States, Congress should have the opportunity to see how existing facilities, particularly those at the Atomic Energy Commission and the Department of Defense laboratories, are being utilized before they permit the expenditure of funds on new laboratories and plants. I feel certain that Congress

will wish to make provision for authorizing legislation in any law on outer space which is enacted.

In 1946 when the first Atomic Energy Act was being considered, there was much controversy over military versus civilian control. The debate ended with a proposal by the late Senator Vandenberg providing for a military liason committee to the Atomic Energy Commission which would keep the military informed of atomic energy progress and through which the military could place requirements upon the Atomic Energy Commission. The wisdom of Senator Vandenberg's compromise has been proven, and the Atomic Energy Commission has more than fulfilled the most optimistic anticipations of the Department of Defense in terms of atomic weapons.

The Vandenberg provision worked, because it distinguished between the domains of the civilian and military agency. Under the Bureau of Budget proposal and within the NACA-type framework, military personnel would be so commingled in the agency that there would be no demarcation between its civilian and military character. This hybrid could be utterly confused in its purposes.

But even more important than this, is the problem of deciding what aspects of outer space should be under civilian control and what should remain within the military. Of late, we hear that most of the funds for space research would still go to military agencies even though a new civilian agency may come into being. For fiscal year 1959, the Budget Bureau had requested $480 million for a military space program and only $100 million for a civilian program. In fact, a one-time Presidential adviser recently stated that if most of the money is to be allocated for military space research, it might be better to just forget about creating a civilian agency. Apparently he thought that talk of a civilian agency in the administration is only so much window dressing to hide the true intention of continuing a purely military program.

Despite the fact that the President has forwarded a message and legislation to Congress, no civilian program has been outlined so far. Discussions to date indicate that under present plans, the bulk of outer space research and development would remain within the Department of Defense. This expectancy is fortified by the April 2 memorandum from the White House to the Department of Defense and the Presidential Advisory Committee on the subject. It said the civilian agency would be responsible for all space programs except those peculiar to or primarily associated with military weapons systems or military operation.

If the words of this memorandum are to supply the demarcation between civilian and military control, it would be a farce to call this a civilian program. So few things in modern life could not be described as peculiar to military operations that if the same test were used in the rest of our national affairs, we would have a military dictatorship.

The military viewpoint had its ultimate expression in the recent testimony of Maj. Gen. Bernard A. Schriever, who said that the development of space weapons must take priority over nonmilitary space exploration, and he inferred that a civilian agency could not supply the military with the weapons systems for outer space that it might need.

Of course, we have all seen that the civilian Atomic Energy Commission has been more than competent in supplying weapons to the military, and many of our international problems of late with hydrogen-bomb tests spring from this very success.

Mr. Simon Ramo, of the Ramo-Wooldridge Corp., a private company, recently said that 90 percent of the space program of the United States must remain under military control and direction for the security of the Nation. Mr. Ramo's comment is of great interest and might be indicative. Some years ago the Air Force found it lacked the management talent to administer the intercontinental ballistic missile program and assigned management of most of the Government's interest to the Ramo-Wooldridge Corp. The management of missiles has vested in the Ramo-Wooldridge Corp. for some years and the rate of progress and success has been somewhat questionable.

In drafting any new legislation, Congress might want to look at this arrangement, whereby a private company more or less acts as a Government representative, placing contracts for research and development and the procurement of components. I can fully understand why Mr. Ramo would object to a new agency which might exercise some control over the Government's funds and direct the Government's program. I can well understand his fear that before many months passed, he might have to deal with a tight-fisted civilian administrator.

In the enactment of any legislation, the Congress might well look for a proper definition of what should remain in the Defense Department and what should be in the civilian agency. I believe a clear definition is readily available. The Defense Department should retain jurisdiction over missiles which are fired from earth or its atmosphere and return to a target on earth in a ballistic flight. Anything which goes beyond this and into orbit or travels into outer space should go to the new agency. The record of the Department of Defense in developing satellites and mechanisms which go into orbit is hardly a record of success. They would be pressed to make a case that they have such an interest in this field that jurisdiction could not be given to a civilian agency. But even if they had progressed with their research and development we have the classic precedent of the Manhattan Engineering District and the Atomic Energy Commission where a fully matured program was transferred to a civilian agency and progress was accelerated rather than impeded.

I am convinced that no program worthy of the United States can possibly evolve out of the presently confused Pentagon. At the moment they have jurisdiction but we learn that no requirement has been fixed for a space vehicle. As you know, without a requirement, no Government work is being done in this area.

The draft legislation of the Bureau of the Budget provides for the new agency to report to the President annually. This is a strange provision because one would expect the President to be kept informed on what is taking place within his executive family. The channel in which reporting breaks down is between the executive branch and Congress. While it is called upon to appropriate billions of dollars of public money, Congress must often proceed with the scantiest of information. It would have been more thoughtful of the draftsmen to provide some reporting mechanisms to Congress but surely we can arrange in our committees to provide for a semiannual report to us.

The Bureau of the Budget's draft provides criminal penalties for disclosures of information and violation of the Space Agency's security regulations. We have learned that penal provisions of a substantive nature in new laws weaken the basic statutes like the Espionage Act of 1917 and the Atomic Energy Act of 1954 and confuse an already confused field.

In a more positive sense, I think the provision is unwise insofar as it accents security provisions rather than encourages the new agency to conduct its scientific and technical research to the fullest extent practicable in an atmosphere of free information exchange.

In the atomic-energy program we learned that the strongest of security measures and building forts around our laboratories did not halt scientific rogress elsewhere in the world. The delusion cost us many millions, if not billions of dollars; and, as I look back upon it, I only wish that this money had been spent on basic research. If it had, the benefits which would have accrued to the United States would have been vast.

Mr. President, I have been generally critical of the legislation which has been sent to us; and, if I were to close at this point, I probably would have offered little of constructive value to guide us in the establishment of an astronautical agency. I may have told too much of what we should not do rather than what we should do.

Our national astronautical program should be far broader than anything contemplated today. I would provide for utilization of any appropriate governmental scientific or research facility through the placing of requirements or work directives by the space agency on the appropriate Government agency.

Within the atomic-energy program, a subject with which I am most familiar, an almost unlimited reservoir of scientific and engineering talent exists. The Atomic Energy Commission probably should not have jurisdiction over the outer space program as such, but the legislation should provide a mechanism whereby the space agency can place requirements on the major laboratory facilities of the AEC.

The Congress should establish the policy that this new agency not build new facilities or laboratories but that they

utilize existing facilities to the utmost. They can do this without sacrifice of jurisdiction by placing requirements on existing agencies. If we think this will be difficult to administer, appropriate liaison committees can be established along the lines of those in the atomic energy program which have been so successful.

The space agency itself should start as a small agency. Whether one man should be in charge or whether there is a three- or a five-man commission is a matter for further study, but the top leadership should be limited in number of certainly to no more than five and preferably to a lesser number. The people on top should be full-time Government administrators confirmed by the Senate and prohibited from having outside interests. If such deprives the agency of broad technical advice, provision can be made for such scientific advisory committees as are necessary.

Our statement of policy should call for international negotiations which seek international agreement to deny the use of outer space for military purposes and provide for mutual scientific cooperation.

We should seriously consider whether or not it is appropriate to graft the new Agency on to the existing framework of the NACA because of the great variance between what the new Agency must do and the long existing pattern of work in which the NACA is engaged. I feel that an entirely new agency should be established with power to place requirements for scientific study and work upon the NACA rather than work within its structure. Were we to take this approach we would also avoid the conflicts of interest inherent in the NACA committee structure where industry and military personnel are so much in command.

We must study the problem of inventions and discoveries and find language which protects the Government interest and yet equitably awards to inventors the exclusive right to profit from their work.

I am confident that each Member of Congress will take time to study this problem and if we do this, the proper agency structure and policy will evolve. We have learned a great deal in recent years on how and how not to prosecute scientific programs and undoubtedly we will be able to provide for a responsible and effective Government agency which will harness our very great resources in scientific and engineering talent.

When future generations consider the secrets of the universe as commonplace and when the domain of human reason reigns over outer space, many may look back upon this Congress and speak highly of its wisdom. Before many weeks pass, we will have the chance to inaugurate the effort which one day will be a priceless heritage to those yet unborn.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 6, 1958, he presented to the President of the United States the following enrolled bills:

S. 1818. An act to direct the Secretary of the Interior to acquire certain lands as an addition to the Fort Frederica National Monument;

S. 2183. An act to amend the act of August 2, 1956 (70 Stat. 940), providing for the establishment of the Virgin Islands National Park, and for other purposes; and

S. 2937. An act to provide equitable treatment for producers participating in the Soil Bank program on the basis of incorrect information furnished by the Government.

ADJOURNMENT

Mr. JOHNSON of Texas. Mr. President, pursuant to the order previously entered, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned, the adjournment being, under the order previously entered, until tomorrow, Wednesday, May 7, 1958, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 6, 1958:

THE DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

Richard R. Atkinson, of the District of Columbia, to be a member of the District of Columbia Redevelopment Land Agency, for a term of 5 years, effective on and after March 4, 1958, a reappointment.

UNITED STATES ATTORNEY

Osro Cobb, of Arkansas, to be United States attorney for the eastern district of Arkansas, for a term of 4 years.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 6, 1958

The House met at 12 o'clock noon. The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

I John 3: 1: *Behold, what manner of love the Father hath bestowed upon us, that we should be called the sons of God.*

Eternal God, with glad and grateful hearts, we are offering our prayer unto Thee, for Thou art the source and inspiration of the beauty and blessedness of life.

We rejoice that Thou art always seeking to lead us to Thyself and to lift us out of the fear that makes us stand in weakness into a faith that enables us to walk in courage.

Inspire us with a vision and experience of true religion. We penitently confess that so often we want its consolations, without giving ourselves in consecration, and its delights without accepting its disciplines.

Grant that we may seek a more satisfying sense of Thy power which will make us equal to all our problems and perplexities, and all our trials and tribulations.

Hear us in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 168. Joint resolution authorizing the President to issue a proclamation calling upon the people of the United States to commemorate with appropriate ceremonies the 100th anniversary of the admission of the State of Minnesota into the Union.

STORY OF FREE ENTERPRISE

Mr. ALGER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ALGER. Mr. Speaker, have you heard of the overeager volunteer fireman who sped recklessly to answer every alarm for fear the fire would go out before he had had an opportunity to help control it?

In full page newspaper ads, Delta Airlines is currently pointing up the vigorous business upsurge under way in the South.

ATLANTA.—Building permits in first 3½ months of 1958 over $7 million above first 4 months of 1957. Contracts for future construction in first 2 months up 8 percent. First quarter of the year (statewide) industrial expansion and additions go nearly $31 million over the mark for 1957's first quarter.

CHARLOTTE, N. C.—Bank debits for March in Charlotte topped last March by $5 million, while neighboring Greensboro and Raleigh report gains of $7 million and $3 million, respectively. Building permits eclipsed last year's mark.

MONTGOMERY, ALA.—Retail sales topped the first quarter of 1957, which had gone 7.3 percent over 1956.

And so it goes—glowing reports of business humming along at near record—or new record—levels from Birmingham, Charleston, Chattanooga, Columbus, Macon, Columbia, and elsewhere.

In the face of all this, I am confident that before the week is out in Congress we shall hear more cries of doom and foreboding, coupled with demands for emergency Government action to fight the recession. Of course, some of these antirecession programs were being demanded last year and considerably before that for entirely different reasons. Their sponsors need little pretext or excuse to start hollering for long-time favorite Government programs. And their cries may grow more strident, for this particular economic fire shows signs of sputtering out before they can get into action.

INEQUALITY IN PRESENT POSTAL LAWS

Mr. NEAL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.